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PASSED AT A

GENERAL ASSEMBLY

OF THE

COMMONWEALTH

OF

VIRGINIA,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND,  
ON TUESDAY, THE ELEVENTH DAY OF NOVEMBER, ONE  
THOUSAND SEVEN HUNDRED AND NINETY-FOUR.



RICHMOND:

Printed by AUGUSTINE DAVIS, Printer for the Public.

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A C T S

PASSED AT

GENERAL ASSEMBLY

OF THE

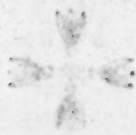
COMMONWEALTH

1793. 94. 5/. 1790-7/6

VIRGINIA

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BEGUN AND HELD AT THE CAPITOL IN THE CITY OF RICHMOND,  
ON THE DAY, THE ELEVENTH DAY OF NOVEMBER, ONE  
THOUSAND SEVEN HUNDRED AND NINETY FOUR.



RICHMOND

Printed by A. DAVIS, Printer to the Public.

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A C T S  
OF THE  
GENERAL ASSEMBLY.

CHAPTER I.

*An ACT making provision for support of Civil Government.*

[Passed the 27th of December, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That the public taxes for the year one thousand seven hundred and ninety four, shall be as follows, to wit: On lands, for every hundred pounds value agreeable to the equalizing law, five shillings; for every slave above the age of twelve years (except such as have been or shall be exempted by reason of age or infirmity, by the respective county or corporation courts) one shilling and eight pence; for every stud horse and jack ass, the price at which such horse or ass covers a mare the season; for all other horses, mules, mares, and colts, four pence each; for every ordinary license, forty shillings; for every billiard-table, fifteen pounds; for all lots and houses in towns, sixteen shillings and eight pence on every hundred pounds of the rents thereof, to be ascertained by the rent paid by the tenant, and where such house and lot is in the occupation of the proprietor, the yearly rent or value shall be ascertained by the commissioners of the revenue, or either of them, by a comparison of its value with other houses or lots actually rented: *Provided*, that the owner or proprietor of any such house or lot, if he thinks himself aggrieved by such valuation, may appeal to the court by whom the commissioner was appointed, whose judgment as to the yearly rent or value, shall be final. The said commissioners or either of them, to ascertain the rent paid on houses or lots actually leased, may call on the tenant or proprietor to declare upon oath or solemn affirmation, what is the amount of rent paid for the same; and every person so called upon, and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion, on ten days previous notice to be made by the commissioners of the revenue or either of them; for every four wheeled riding carriage, except phaetons and stage waggons, six shillings per wheel; for all phaetons and stage waggons, four shillings per wheel; for every other riding carriage with two wheels, two shillings per wheel. *Provided*, that no tax shall be collected on lands, lots, houses, or other property belonging to this commonwealth, or to any county, town, college, houses for divine worship, or seminary of learning.

Taxes on lands, slaves and other property.

SEC. II. *AND be it further enacted*, That the following tax on law process shall be paid: On each writ or declaration in ejectment, instituting a suit in the district court, or *subpæna* in the high court of chancery, the sum of one dollar; on each appeal to the high court of chancery, two dollars; on each writ of error, *superfedeas*, and *habeas corpus cum causa*, or *certiorari*, issued from the general court, a district court, or high court of chancery, one dollar; on each appeal from any county court or court of hustings to a district court, one dollar; the said taxes shall by the respective clerks be taxed in the bill of costs; on each certificate under the seal of any county or corporation court, there shall be paid a tax of one dollar. No writ, *subpæna*, nor any writ of error, *superfedeas*, *certiorari*, or *habeas corpus cum causa*, shall be issued, or declaration in ejectment filed by any clerk, unless the taxes hereby imposed thereon, be first paid down. In all appeals, no transcript of the record shall be delivered to the appellant by the clerk of the court, or forwarded by him to a superior court, before the tax imposed thereon be paid. Nor shall any certificate under the seal of any county or corporation court be granted, until the tax thereon shall have been first paid to the clerk keeping such seal. There shall be paid forty-two cents for every transfer of a surveyor's certificate for land, to be collected by the register of the land-office, before the issuing of the patent. For every attestation, protestation, and all other instruments of publication from a notary public under his seal of office, fifty cents; to be collected and accounted for by the said notary public; and one dollar for each certificate under the seal of the commonwealth, to be collected by the clerk of the council, before the delivery of such certificate; which last mentioned taxes shall be accounted for and paid in like manner, and with the like commissions for collecting, as is directed in the case of other taxes imposed by this act.

On law process and appeals.

On certificates under county court seals.

On transfers of surveys.  
On attestations under the seals of notaries.  
On certificates under the seal of the commonwealth.

SEC. III. ALL and every other act or acts imposing any tax whatsoever, shall be, and the same is hereby repealed, except so far as they may relate to the tax or duty on tobacco, and to the collection and recovery of the taxes heretofore due.

Former acts imposing taxes repealed.

SEC. IV. THIS act shall commence and be in force from the passing thereof.

Commencement of this act.



## CHAPTER II.

*An ACT for appropriating the public Revenue.*

[Passed the 20th of December, 1794.]

Aggregate fund.

SECTION I. **B**E it enacted by the General Assembly, That the arrearages of the revenue taxes constituting the aggregate fund, shall continue as appropriated by an act passed the last session of Assembly, intituled, "*An act for appropriating the public revenue,*" and shall farther be appropriated to the payment of all warrants which shall be issued by the auditor of public accounts, in the year one thousand seven hundred and ninety-five, for interest on any debt due by this commonwealth, and of all sums of money directed to be paid by the present General Assembly, for which no other provision has been made. Warrants and facilities shall be receivable, and may be paid in discharge of the said taxes, and credit given therefor as directed by the aforesaid act; and the monies which may be paid into the treasury in discharge of the said taxes which constitute the aggregate fund, and also the money which shall be received on the sales of tobacco paid in discharge of the same, or so much thereof as shall be necessary, shall be paid by the treasurer to the holders of warrants on the said fund, under the like regulations as are prescribed in the said act of the last session of Assembly.

Monies therein, how to be divided amongst the holders of warrants.

Former appropriations continued. Funds for the support of government. Charges on the revenue arising between the 31st of December, 1794, and the 1st day of January, 1796.

SEC. II. *AND be it further enacted,* That all taxes and arrearages of taxes, except those constituting the aggregate fund, shall continue as appropriated by the aforesaid act of the last session of Assembly; and that all branches of revenue which shall arise to the commonwealth, between the last day of December, one thousand seven hundred and ninety-four, and the first day of January, one thousand seven hundred and ninety-six, shall be appropriated to the support of the civil government, and for the contingent charges thereof; and shall also be charged with the payment of all unsatisfied warrants charged on the said taxes and arrearages of taxes, by the aforesaid act of the last session of Assembly; of warrants which shall be hereafter issued for expences attending criminal prosecutions; for slaves condemned and executed; for the state's shares in the James river, Patowmac, and Disnial Swamp canal companies; for the hospital for the cure and maintenance of persons of unsound mind; to the directors of the public buildings; for erecting public buildings at the federal seat of government on the Patowmac; for the expences attending the arsenal at the Point of Fork; for all pensions allowed by this commonwealth; for expences attending the printing and publication of the revised code of laws; for salaries allowed by law to certain officers of the militia; and for expences which may accrue by order of the Executive in defence of the western frontier.

Deficiency in certain funds to be supplied by borrowing from others.

SEC. III. *AND if the funds herein appropriated to the payment of the officers of the civil government, and of warrants issued by the Executive for the contingent purposes thereof; on account of the state's shares in the James river, Patowmac, and Disnial Swamp canal companies; for the hospital for the cure and maintenance of persons of unsound mind; for erecting the public buildings at the federal seat of government on Patowmac; for pensions due by this commonwealth for expences attending the printing and publication of the revised code of laws; for salaries allowed by law to certain officers of the militia; and for expences which may accrue by order of the Executive in defence of the western frontier, should not be productive early enough for those purposes, it shall be lawful for the Executive to direct the treasurer to borrow as much money as shall be deficient out of any other funds, and to replace the same as soon as possible. Provided, that no money shall be borrowed from the aggregate fund, until the notice directed by this act be given, and the registered warrants thereon be fully discharged.*

Proviso.

Repealing clause.

SEC. IV. *ALL acts coming within the purview of this act, shall be, and are hereby repealed.*

Commencement of this act.

SEC. V. *THIS act shall commence in force, from and after the passing thereof.*

## CHAPTER III.

*An ACT to continue and amend the act, intituled, "An act for further continuing and amending the act, intituled, an act for reducing into one, the several acts concerning Executions, and for the relief of Insolvent Debtors."*

[Passed the 24th of December, 1794.]

Act of 1793, concerning executions continued until the 1st of January 1796

SECTION I. **B**E it enacted by the General Assembly of Virginia, That the act, intituled, "*An act for further continuing and amending the act, intituled, an act for reducing into one, the several acts concerning executions, and for relief of insolvent debtors,*" passed in the year one thousand seven hundred and ninety three, shall be, and the same is hereby continued in force, until the first day of January, one thousand seven hundred and ninety-six.

Justices of any county may administer the oath to an insolvent debtor committed to

SEC. II. *AND be it further enacted,* That if any person shall hereafter be taken or charged in execution in any suit commenced or prosecuted in any court of record within this commonwealth, it shall be lawful for any judge or justice of the said court, or of the court of that county or corporation, to whose jail such person shall be committed, by warrant under his hand and seal, to command the jailor or keeper of the said prison, to



bring before any two justices of the county or corporation, to whose jail he may be committed, at the courthouse of such county or corporation, on a certain day to be appointed in such warrant, the body or bodies of such person or persons so in prison as aforesaid, together with a list of the several executions, with which he or she shall stand charged in the said jail, which warrant such jailor is hereby required to obey, and reasonable notice thereof shall be given to the party or parties, his or their executors, administrators, or agents, at whose suit such person or persons shall be in execution; and the said justices shall have full power to administer the oath heretofore required by law to such prisoner or prisoners, and to release him or them in the manner and under the regulations and provisions prescribed by the said recited act.

SEC. III. *AND be it further enacted*, That if any sheriff or other officer shall fail to deliver to the creditor, his agent or attorney, or other legal representative, on demand, any bond taken for the forthcoming of property, or any twelve months bond taken under the above recited act, or return the same to the office from whence the execution issued, within sixty days from the return day of the execution, such sheriff or other officer, his executors or administrators shall be liable to the same fine and penalty for every month of such failure, to be recovered in the same manner by the party injured, as is directed by law against a sheriff failing to return an execution.

SEC. IV. ON a sale under execution upon twelve months credit, where the amount of such sale shall exceed the principal, interest and costs, if the sheriff or other officer shall fail to take a twelve months bond for such excess as directed by the twenty-sixth section of the above recited act, such sheriff or other officer so failing, his executors or administrators, shall be liable to the debtor or his legal representatives for the full amount of such excess, to be recovered in the same manner as is directed by law against a sheriff failing to pay money received on an execution.

SEC. V. THE obligee or obligees, in a twelve months replevy bond, shall and may have the like remedy thereon, by *fiery facias*, against the executors or administrators of a deceased obligor or obligors, as such obligee or obligees may now have against the obligor or obligors themselves; and that every assignee or assignees, and the executors or administrators of every assignee of such bond, shall be entitled to the like remedy thereon, as by law is given to the executors or administrators of the first assignee thereof.

SEC. VI. IF a replevy or forthcoming bond be at any time quashed as faulty, the obligee or obligees in such bond, besides his or their remedy against the sheriff, may moreover have execution on his or their judgment, in the same manner as if such replevy or forthcoming bond had never been taken.

SEC. VII. ALL persons who have or shall hereafter have any money or tobacco due on a twelve month's replevy bond, or bond taken for the excess on a sale under execution upon twelve months credit, may at their election after lodging the same in the clerk's office, with an affidavit as directed by law, prosecute as well the writs of *elegit* and *capias ad satisfaciendum* thereon, as the writ of *fiery facias* now given by law; on which writs of *elegit* and *capias ad satisfaciendum*, the same rules and regulations shall be observed, as are by law established, when issued on judgments. *Provided*, That if any person or persons taken on any such *capias ad satisfaciendum*, after twelve months replevy, shall tender to the sheriff or other officer serving the same, slaves or other personal property, to the value of the debt and costs for which such execution has issued, or may hereafter issue, the sheriff or other officer shall not take any security, either to have the goods forthcoming at the day of sale, or for the payment of the money or tobacco at a future day, but shall proceed to sell the same, or sufficient thereof to raise the money or tobacco mentioned in the said execution.

SEC. VIII. IF any sheriff or other officer shall fail to return any execution whatever or attachment for not performing a decree in chancery, to the office from whence the same issued, on or before the return day thereof, the executors or administrators of such sheriff or other officer, as well as the securities of such sheriff or other officer, and the executors or administrators of such securities, shall be liable to like fine and penalty, recoverable in the same manner as by law is directed against a sheriff himself, failing to return an execution.

SEC. IX. NO sheriff or other officer shall return any execution or attachment for not performing a decree in chancery to the office from whence the same issued, without noting thereon how he hath executed the same, unless by the express directions in writing of the plaintiff, his agent or attorney; and if any sheriff or other officer having no such directions, shall return any such execution or attachment to the office from whence the same issued, without noting or endorsing thereon how he hath executed the same, such sheriff or other officer, and his securities, and the executors or administrators of all and every of them, shall in every such case be liable to the like fine, and recoverable in the same manner as is directed by law, against a sheriff failing to return an execution.

the jail of such county.

Penalty on a sheriff failing to deliver a forthcoming or replevy bond to the plaintiff on demand, or to return it within 60 days to the clerk's office.

Mode of proceeding against a sheriff failing to take a bond for the excess, on a sale on 12 months credit.

Obligees and assignees remedy on replevy bonds.

Plaintiff may sue out new execution when a replevy or forthcoming bond is quashed.

Writs of *elegit* and *capias ad satisfaciendum* may be issued on replevy bonds, &c.

Remedy against executors and securities of a sheriff failing to return an execution, &c. in due time.

No execution to be returned without an indorsement thereon, how it hath been executed.



Allowance to  
sheriffs for sup-  
port of slaves &  
live stock taken  
in execution.

SEC. X. WHEN any sheriff or other officer shall provide sustenance for the support of slaves, horses, or other live stock, by virtue of the twentieth section of the above recited act, the said sheriff or other officer in lieu of the mode thereby provided for obtaining compensation therefor, shall be allowed per day for each slave fifteen cents; for each horse or mule twelve cents; and for each head of horned cattle five cents; which allowance the said sheriff or other officer shall charge to the plaintiff, to be collected in same manner as commissions arising on executions, and shall be paid by the defendant to the plaintiff, to be taxed in the bill of costs by the said sheriff or other officer.

Sheriffs to in-  
clude their com-  
missions in  
forthcoming  
and replevy  
bonds.

SEC. XI. AND be it further enacted, That every sheriff or coroner (as the case may be) shall be allowed for taking every bond to the creditor sixty-two cents, and no more; and that every sheriff or coroner may include his commissions in forthcoming and replevy bonds taken on any writ of execution; but he shall not demand or receive such commissions on forthcoming bonds, unless the same shall be forfeited.

Fines and penal-  
ties on executors  
of sheriffs, to af-  
fect only the as-  
sets in their  
hands.

SEC. XII. PROVIDED always, That where any fine or penalty is inflicted on the executors or administrators of any sheriff by this or the above recited act, the same shall be considered to affect only the assets in their hands as executors or administrators.

Part of the 38th  
sect. of the act of  
1793, repealed.

SEC. XIII. SO much of the thirty-eighth section of the said recited act as is contrary hereto, shall be, and the same is hereby repealed.

Commencement  
and duration of  
this act.

SEC. XIV. THIS act shall commence and be in force, from and after the thirty-first day of December, one thousand seven hundred and ninety-four, until the first day of January, one thousand seven hundred and ninety-six.

#### CHAPTER IV.

An ACT authorising the Executive to remit the damages and fines incurred by Sheriffs and Collectors in certain Cases.

[Passed the 26th of December, 1794.]

Discretionary  
power vested in  
the Executive to  
remit damages,  
and fines incur-  
red by public  
collectors.

SECTION I. BE it enacted by the General Assembly, That when any application shall be made to the Executive by any sheriff or other collector of the public revenue, or their securities, or the representatives of either, for the remission of damages or fines incurred by them in favour of the commonwealth, the Executive shall be authorised to take into consideration the particular circumstances of each case, and may remit the whole or part of such damages or fines, as to them shall appear just and reasonable. Provided, That before any damages, or any part thereof shall be remitted, that the applicant shall produce a certificate from the auditor of public accounts, that the principal, interest and costs have been paid into the public treasury.

Proviso.

Commencement  
of this act.

SEC. II. THIS act shall commence and be in force, from and after the passing thereof.

#### CHAPTER V.

An ACT to amend an act, intituled, "An act declaring what shall be Treason; for punishing certain offences injurious to the tranquility of the Commonwealth; and concerning Felonies and Offences committed out of the jurisdiction of the same."

[Passed the 2d of December, 1794.]

By whom, and  
how persons  
convicted of  
treason may be  
pardoned.

SECTION I. BE it enacted by the General Assembly, That the Governor, or in case of his absence, inability, or death, the Councillor who acts as president shall in no wise have or exercise a right of granting pardon to any person or persons convicted of treason against the commonwealth, but may suspend the execution until the meeting of the General Assembly, who shall determine whether such person or persons are proper objects of mercy or not, and order accordingly.

Commencement  
of this act.

SEC. II. THIS act shall commence and be in force from the passing thereof.

#### CHAPTER VI.

An ACT to amend the act for regulating Conveyances.

[Passed the 25th of December, 1794.]

Preamble.

SECTION I. WHEREAS it is enacted in the fifth section of the act, intituled, "An act for regulating conveyances," passed the thirteenth day of December, in the year of our Lord, one thousand seven hundred and ninety-two, in the following words, to wit: "If the party who shall sign and seal any such writing reside not in Virginia, or in the district or county where the lands conveyed lie, the acknowledgment of such party, or the proof by the number of witnesses requisite, of the sealing and delivering of the writing, before any court of law, or the mayor or other chief magistrate of any city, town, or corporation of the county in which the party shall



" dwell, certified by such court, or mayor, or chief magistrate, in the manner such acts  
" are usually authenticated by them, and offered to the proper court, to be recorded  
" within eighteen months after the sealing and delivering, where the party resides out of  
" this commonwealth, and within eight months after the sealing and delivery, where the  
" party resides within this commonwealth, shall be as effectual as if it had been in the  
" last mentioned court;" And whereas the operation of the said act is found not to be  
coextensive with the intent thereof, by reason that some of the subdivisions of the United  
States, as well as of other countries, are not denominated by the term of counties :

SEC. II. *BE it therefore enacted*, That if any party who shall sign and seal any such  
writing as is contemplated in the section aforesaid, reside not in Virginia, the acknow-  
ledgment by such party, or the proof by the number of witnesses requisite of the sealing  
and delivering of the writing before any court of law, or the mayor or other chief ma-  
gistrate of any city, town, or corporation, of and in the country in which the party  
shall dwell, certified by such court, or mayor, or chief magistrate, in the manner such  
acts are usually authenticated by them, and offered to the proper court to be recorded  
within two years after the sealing and delivering, shall be as effectual as if it had been  
done in the last mentioned court.

How deeds, &c.  
made by per-  
sons residing out  
of the state, may  
be proved and  
recorded.

SEC. III. THIS act shall commence and be in force from the passing thereof.

Commencement  
of this act.

## CHAPTER VII.

*An ACT concerning Prison Breakers.*

[Passed the 13th of December, 1794.]

SECTION I. **W**HEREAS it hath been held that by the common law, the offence  
of breaking a jail or prison is in all cases felony :

Preamble.

SEC. II. *BE it therefore enacted by the General Assembly*, That none from henceforth  
who being in actual jail, breaketh prison, shall have judgment of life or member for  
breaking of prison only, except the cause for which he was taken and imprisoned did re-  
quire such judgment, if he had been convicted thereupon, according to the law of the land.

In what cases  
breaking prison  
shall be felony.

SEC. III. THIS act shall commence and be in force from the passing thereof.

Commencement  
of this act.

## CHAPTER VIII.

*An ACT concerning Debtors and their Securities.*

[Passed the 23d of December, 1794.]

SECTION I. **W**HEREAS in many instances creditors have delayed to commence  
actions on bonds, bills, or promissory notes, executed to them for  
tobacco or money, until the principal debtor or debtors of such creditors either becoming  
insolvent or migrating from this commonwealth, the innocent securities of such debtor  
or debtors have been ultimately compelled to discharge the amount of the money or to-  
bacco due by such bill, bond, or note, without the possibility of being afterwards reim-  
bursed by such principal debtor or debtors: For remedy whereof,

Preamble.

SEC. II. *BE it enacted by the General Assembly*, That when any person or persons shall  
hereafter become bound as security or securities by bond, bill, or note, for the payment  
of money or tobacco, and shall apprehend that his or their principal debtor or debtors is or  
are likely to become insolvent, or to migrate from this commonwealth, without previ-  
ously discharging such bond, bill, or note, so that it will be impossible or extremely dif-  
ficult for such security or securities after being compelled to pay the amount of the to-  
bacco or money which may be due by such bond, bill, or note, to recover the same back  
from such principal debtor or debtors, it shall and may be lawful for such security or se-  
curities, in every such case, provided an action shall have accrued on such bond, bill, or  
note, to require by notice in writing of his or their creditor or creditors, forthwith to  
put the bond, bill, or note, by which he or they may be bound as security or securities  
as aforesaid, in suit; and unless the creditor or creditors so required to put such bond,  
bill, or note, in suit, shall in a reasonable time commence an action on such bond, bill,  
or note, and proceed with due diligence in the ordinary course of law to recover a judg-  
ment for, and by execution to make the amount of the tobacco or money due by such  
bond, bill, or note, the creditor or creditors so failing to comply with the requisition of  
such security or securities, shall thereby forfeit the right which he or they would other-  
wise have to demand and receive of such security or securities the amount of the money  
or tobacco which may be due by such bond, bill, or note.

When securities  
in bonds may  
require the cre-  
ditors to com-  
mence suits  
thereon.

Creditors fail-  
ing to do so, to  
lose their reme-  
dy against the  
securities.

SEC. III. ANY security or securities, or in case of his or their death, then his or  
their executors or administrators, may in like manner and for the same cause make such  
requisition of the executors or administrators of the creditor or creditors of such security  
or securities, as it is herein before enacted may be made by a security or securities of his  
or their creditor or creditors; and in case of failure of the executors or administrators so

Securities and  
their executors  
may proceed in  
the same man-  
ner with the  
executors of the  
creditor.



to proceed, such requisition as aforesaid being duly made, the security or securities, his or their executors or administrators, making the same, shall have the same relief that is herein before provided for a security or securities when his or their creditor or creditors shall be guilty of a similar failure.

Bonds with collateral conditions and those given by guardians, executors and public officers excepted. Creditors remedy against his principal debtor, not to be affected. Commencement of this act.

SEC. IV. *PROVIDED always*, That nothing in this act contained shall be so construed as to affect bonds with collateral conditions, or the bonds which may be entered into by guardians, executors, administrators, or public officers.

SEC. V. *AND provided also*, That the rights and remedies of any creditor or creditors against any principal debtor or debtors, shall be in no wise affected by this act. Any thing therein to the contrary, or seeming to the contrary, notwithstanding.

SEC. VI. THIS act shall commence and be in force from and after the first day of March, which shall be in the year of our Lord, one thousand seven hundred and ninety-five.

#### CHAPTER IX.

*An ACT supplementary to the act, intituled, "An act to empower Securities to recover Damages in a summary way."*

[Passed the 23d of December, 1794.]

How securities in bonds, on which executions may be awarded without judgment, may proceed against their principals.

SECTION I. **B**E it enacted by the General Assembly, That in all cases where execution of record within this commonwealth, against any person or persons as security or securities, his, her, or their heirs, executors, or administrators, upon any bond, obligation, or recognizance upon which by the laws of this commonwealth execution can be so awarded or issued without judgment, and the amount of such bond, obligation or recognizance, or any part thereof, or the debt or damages due by reason thereof, or any part thereof, hath been paid or discharged under the said execution issued thereon by such security or securities, his, her, or their heirs, executors, or administrators, it shall and may be lawful for such security or securities, his, her, or their heirs, executors, or administrators, to obtain judgment by motion against such principal obligor or obligors, recognizor or recognizers, his, her, or their heirs, executors, or administrators, in any court where such execution may have been awarded or issued against such security or securities, his, her, or their heirs, executors, or administrators.

How they may proceed against those who were bound with them as securities.

SEC. II. *AND be it further enacted*, That where the said principal obligor or obligors, recognizor or recognizers, have or hereafter shall become insolvent, and there have been, or shall be two or more securities jointly bound with the said principal obligor or obligors, recognizor or recognizers, in any such bond, obligation, or recognizance, and execution shall be awarded or issued thereon against one or more of such securities, and his or their legal representatives, it shall and may be lawful for the court in which such execution was awarded or issued, upon motion of the party or parties, his or their legal representatives, against whom execution hath been awarded or issued as aforesaid, to award or issue execution against all and every of the obligors and recognizers, and their legal representatives, for their and each of their respective shares and proportions of the said debt or damages due by reason of the said obligation or recognizance. *Provided always*, That no judgment shall be obtained or execution awarded or issued by motion as aforesaid, unless the party or parties against whom the same is prayed, shall have ten days previous notice in writing thereof.

Executions on such judgments, how to be enforced.

SEC. III. ALL judgments entered, and executions awarded and issued by virtue of this act, shall be enforced under the like regulations with judgments under the act, intituled, "*An act to empower securities to recover damages in a summary way.*"

Commencement of this act.

SEC. IV. THIS act shall commence and be in force from and after the passing thereof.

#### CHAPTER X.

*An ACT to amend an act, intituled, "An act concerning Escheators."*

[Passed the 26th of December, 1794.]

Preamble.

SECTION I. **W**HEREAS a contrariety of opinion hath prevailed respecting the construction of an act of the General Assembly of this commonwealth, passed November thirtieth, one thousand seven hundred and ninety-two, intituled, "*An act concerning escheators;*" and it is proper that the said act should be so explained and amended as to prevent any doubts in the exposition thereof in future:

How many jurors shall be impanelled on each inquest.

SEC. II. *BE it enacted by the General Assembly*, That each and every inquest hereafter to be taken under the said in part recited act, shall consist of sixteen freeholders, who shall be returned and impanelled by the sheriff of the county, to meet at the courthouse



of the said county where the inquest is taken, who shall suffer every person to give evidence openly in the presence of the said jurors; and the said inquisition so taken, shall be by indentures to be made between the escheator and any twelve or more of the inquest, whereof the counter part shall remain in the possession of the first person that shall be sworn in the said jury, and by him shall be returned to the court of the same county, there to be recorded, and the other part sealed by the jurors agreeing in their verdict, shall by the escheator be sent into the court of the district in which the land lieth, within one month after the inquest taken, and the same proceedings shall then in every case and manner be pursued as is directed in the said act.

SEC. III. AND where the escheator proceeds to a sale of lands under the provisions in the said act, the same shall be sold at public vendue, at the courthouse of the county wherein the said land lieth, either by the whole tract, or in such manner as in his opinion will increase the value thereof.

SEC. IV. THIS act shall not be construed to repeal any part or parts of the aforesaid act, other than such as are rendered nugatory by the express directions of this act.

SEC. V. AND whereas no allowance hath been provided by law for the services required to be performed by the several escheators of this commonwealth, and some allowance being adjudged reasonable, *Be it therefore enacted*, that for each inquest taken by any escheator on behalf of this commonwealth, such escheator shall be allowed the sum of five dollars, to be paid out of the fund charged with the payment of the civil list; and that he shall also be allowed a commission of five per cent. on all sums by him received by virtue of his office, and which shall be paid into the public treasury by him.

SEC. VI. AND it is hereby declared to be the duty of the attorney prosecuting for the commonwealth, in any and every county therein, to prosecute such inquest; and such attorney for his trouble and expence, shall be allowed the sum of five dollars for every inquest and office found he shall attend, to be paid by the auditor of public accounts out of the aggregate fund.

SEC. VII. THIS act shall commence and be in force from and after the passing thereof.

#### CHAPTER XI.

*An ACT giving further time to the Owners of certain Surveys to return the plats and certificates thereof into the Land-Office, and a further time to the Owners of Entries on the Western Waters to survey the same.*

[Passed the 19th of December, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That the further time of one year from the thirty-first day of December in the present year, shall be allowed the owners of surveys on the western waters, and from the fifteenth day of May last, until the thirty-first day of December, one thousand seven hundred and ninety-five, shall be allowed the owners of surveys on the eastern waters for returning all plats and certificates of surveys to the register of the land-office, who shall receive the same, and such lands shall not be considered as forfeited or liable to forfeiture; any law to the contrary notwithstanding.

SEC. II. *AND be it further enacted*, That the further time of two years, to be computed from the first day of November last, shall be allowed to the owners of entries on the western waters to survey the same, in such manner as is directed by law.

SEC. III. *PROVIDED always*, That nothing contained in this act, shall be taken to invalidate any right which shall have been acquired under the laws of this commonwealth, previous to the passing of this act.

SEC. IV. *AND be it further enacted*, That all surveys founded on land-warrants, and which shall not be returned to the register of the land-office, and the office fees paid thereon, within the periods aforesaid, shall thereafter be subject to caveat, and in all respects proceeded on in the manner prescribed by the act, intitled, "*An act for reducing into one, the several acts concerning the land-office, ascertaining the terms and manner of granting waste and unappropriated lands, for settling the titles and bounds of lands, directing the mode of procuring, and prescribing the duty of surveyors*;" but nothing in this act contained, shall be so construed as to prevent the register of the land-office from receiving plats and certificates of survey, founded on land-warrants, at any time previous to a caveat being entered against the same for such default, and being so returned to the register, and the fees paid thereon, such surveys shall not thereafter be liable to forfeiture on account thereof, although the same may not have been returned within the time prescribed by law.

SEC. V. *BE it enacted*, That so much of this act as relates to lands on the eastern waters, shall be so construed as only to authorize the register of the land-office, to re-

Where they shall meet, and when inquisitions shall be taken, how to be disposed of.

How and when escheated lands shall be sold.

How far this act is to affect the act of 1792, concerning escheators fees, and commissions.

and commissions.

Attorney for the commonwealth to attend at the taking of inquests. Allowance to him.

Commencement of this act.

Further time allowed for returning surveys on the western waters. On the eastern waters.

For surveying entries on the western waters.

Rights of others saved.

Surveys on land-warrants not returned in time, may be caveated.

But may be received after the time has expired where no caveat is entered.

This act as to the Eastern wa-



fers, to relate  
only to surveys  
on land warrants.

Commencement  
of this act.

ceive plats and certificates of survey made on locations, under the commonwealth's land-warrants.

SEC. VI. THIS act shall commence and be in force from and after the passing thereof.

## CHAPTER XII.

*An ACT concerning Inspectors of Tobacco.*

[Passed the 13th of December, 1794.]

Preamble.

SECTION I. **W**HEREAS it is represented, that the tax or duty on tobacco exported in the year one thousand seven hundred and ninety-three, by many of the inspectors at the tobacco warehouses within this state, was not sufficient to pay their salaries, and that a surplus remains of the duties received on tobacco exported in the year one thousand seven hundred and ninety-four, sufficient to discharge the balance of their salaries, which it is judged reasonable to apply to that purpose :

Inspectors sala-  
ries for 1793, to  
be made good  
out of the sur-  
plus of 1794.

SEC. II. *BE it therefore enacted*, That it shall and may be lawful for the said inspectors of the several warehouses by whom such surplus may have been received, to retain so much of the surplus money arising from the duty on tobacco, exported from the said warehouses, in the year one thousand seven hundred and ninety-four, as shall be sufficient to pay the deficiency of their salaries for the year one thousand seven hundred and ninety-three.

Commencement  
of this act.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

## CHAPTER XIII.

*An ACT concerning the Register of the Land-Office.*

[Passed the 26th of December, 1794.]

When he may  
appoint two  
clerks to be paid  
by the public.

SECTION I. **B**E it enacted by the General Assembly, That the Executive may, if they think it necessary, authorize the register of the land-office to appoint two clerks, who shall be allowed an annual salary of one hundred pounds each, to be paid in the same manner as the salaries of the officers of civil government are paid.

Grants to be is-  
sued by the re-  
gister, on plats  
returned in the  
time of his pre-  
decessor.  
Commencement  
of this act.

SEC. II. *AND be it enacted*, That it shall be the duty of the present register to make out grants on those plats which have been returned to the land-office in the time of the former register, and which have lain in the office the time required by law.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

## CHAPTER XIV.

*An ACT to amend the act, to reduce into one, the several acts concerning Guardians, Orphans, Committees, Infants, Masters and Apprentices.*

[Passed the 12th of December, 1794.]

Testamentary  
guardians to  
give bond and  
security before  
they exercise  
any authority  
over their  
wards;  
unless it is oth-  
erwise directed  
by the will.  
When they are  
to deliver into  
the court an in-  
ventory of their  
wards estates;  
and accounts of  
their receipts  
and disburse-  
ments.  
Their accounts  
to be examined,  
and if approved  
and confirmed  
to be recorded.  
Exceptions  
thereto, how to  
be made.

SECTION I. **B**E it enacted by the General Assembly, That every guardian appointed by the last will and testament of any person which shall be legally proved and recorded in any court, shall before he exercises any authority over the minor or his estate, appear openly in such court and declare his acceptance of the guardianship, which shall be recorded, and shall give bond with such security as the court may approve of in the same manner as statutory guardians, unless it is otherwise directed by the testator's will, and at the first or second session thereafter, he shall deliver into such court an inventory upon oath of all the estate which he shall have received, and within two successive courts after the receipt of any other estate of the ward, an inventory of such estate to be entered in the book directed to be kept concerning other guardians; and every testamentary guardian shall exhibit to such court once in every year, which if it be a county or corporation court, shall be in September, or at the next session if there be none in that month, or oftener if specially required by the court, accounts of the produce and profits of the estate of the ward, and of the sales and disposition of such produce, and of the disbursements; which accounts shall be examined by the court, or by such persons as the court shall refer them to, and being found and certified, or reported to be properly and fairly stated, and the articles thereof to be justified by the vouchers, and the report in case of a reference being approved and confirmed by the court, shall with such certificate or confirmation be recorded in the book aforesaid: And if any article of such accounts at any time afterwards be excepted to by the ward or his representatives, it shall be incumbent on him to prove or shew the falsity or injustice thereof, unless notice on his behalf shall have been given at the time of passing the accounts that such article would be excepted to, and a memorandum of that notice and the exception shall have been entered on record.



SEC. II. THE court aforesaid if a testamentary guardian shall appear to have been guilty of a flagrant abuse of trust, may displace him and appoint some other person or persons under the like rules and regulations as are prescribed by law in cases of statutory guardians.

When they may be displaced by the court and others appointed.

SEC. III. EVERY testamentary guardian who shall fail or neglect to appear before the court in which the last will and testament of his testator shall be proved and recorded, within the space of six months thereafter, may be summoned and compelled to declare his acceptance or renunciation of the trust, and if every of the guardians appointed in any such last will and testament shall renounce the same, which renunciation shall be recorded, the said court may and shall thereafter proceed to appoint and qualify some other person or persons to the guardianship, in like manner as if no such testamentary guardian had been nominated in such last will and testament.

Court to appoint guardian when the testamentary guardian being summoned renounces the guardianship.

SEC. IV. A TESTAMENTARY guardian who shall not deliver in such inventory and render such accounts as aforesaid, shall by order of the court to which he is amenable, be summoned, and if he remain in default, be compelled to perform his duty or be displaced, for which purpose the summons or other process from a county or corporation court may be directed to, and shall be executed by the sheriff of any other county wherein the guardian may be found; and every justice of the court sitting therein at any time during the term or session in which the process ought to have been ordered, if it be not ordered accordingly shall be amerced.

Proceedings against testamentary guardians failing to deliver in their accounts. Penalty on the justices for neglect.

SEC. V. THE estate of a testamentary guardian not under a specific lien, shall after the death of the guardian be liable to whatsoever may be due from the guardian to his ward, before any other debt due from such guardian.

On the death of a guardian debt due to his ward to be first paid.

SEC. VI. IF a testator shall omit to direct the sum of money, or the fund to be applied to the maintenance and education of his infant, and if the disbursements of the testamentary guardian, or other guardian being suitable to the estate and circumstances of the ward, shall exceed the profits of his or her estate in any year, the balance with the allowance of the said court may be debited in the account of a succeeding year, and paid out of the personal estate of the infant, and so much and such part thereof may with the approbation of the court, be sold at public auction to the highest bidder, after reasonable notice has been given of the time and place of such sale for that purpose as shall be necessary, and the balance appearing on the contrary side may be put out to interest for the benefit of the ward, upon such security as the court shall direct and approve, or the guardian if it remain in his hands shall account for the interest, to be computed from the time his accounts were or ought to have been passed.

Balance due to the guardians for disbursements, to be debited in the account of the ensuing year, or paid out of the infant's personal estate. When and how such estate shall be sold for that purpose. Balance due to the ward, how to be disposed of. Power of testamentary guardians to lease their wards lands.

SEC. VII. IT shall be lawful for the testamentary guardian provided there be no prohibition in the last will and testament, to make a lease of any lands, tenements, or hereditaments belonging to his ward, reserving the best annual rent and most beneficial covenants for any term, ending when the ward shall arrive to the age of twenty-one years, or continuing beyond that time as the ward shall elect.

SEC. VIII. AND it shall be lawful for every statutory guardian in like manner to make a lease of any lands, tenements or hereditaments, belonging unto his ward, for any term, so that the same does not exceed that period, when his said ward shall arrive at the age of fourteen years.

Of statutory guardians.

SEC. IX. A TESTAMENTARY guardian if his ward be a trustee or mortgagee of any lands, tenements or hereditaments, upon petition of one or more of the parties interested, to the high court of chancery, by order of such court to be made after hearing, may execute any deed, or perform any other act which the trustee or mortgagee if of full age might or could execute or perform, and such deed or other act shall be valid, except that he shall not be bound by a warranty or other covenant contained in the deed.

Testamentary guardians may by order of the court of Chancery, execute such deeds as their wards could if of age.

SEC. X. A TESTAMENTARY guardian shall have the power under the same regulations to make or take a surrender of a former lease, and to take or make a new lease as are prescribed and granted to a statutory guardian, unless inconsistent with the last will and testament, subject however to be determined or continued by the ward after he or she arrives to full age.

To have the same power to receive surrenders of leases, and to make others as statutory guardians.

SEC. XI. IT shall be lawful for the court having cognizance of the accounts of any guardian, whether statutory or testamentary, upon passing the same, to make such allowance to the guardian as it shall deem a reasonable compensation for his attention, care and trouble.

Courts may in passing guardians accounts make them a reasonable allowance.

SEC. XII. WHERE an orphan shall have an estate, the profits of which are insufficient for his or her support, and yet is of such tender years, that the overseers of the poor cannot prevail upon a proper person to accept of the same orphan as an apprentice, it shall and may be lawful for the guardian or curator, with the approbation of the court, to take from the personal estate of his ward such sums of money as are necessary for the

Where the court may direct part of an orphan's estate to be sold for his support.



Courts may direct overseers of the poor in binding out orphans, to covenant for the payment to the apprentice of any sum not exceeding twenty dollars.

Comt. of this act

immediate support of the orphan; until he or she shall arrive at an age when the overseers of the poor can find a suitable master or mistress for him or her. The courts of each county respectively shall have full power at their discretion, to direct the overseers of the poor to covenant with the master or mistress of any apprentice bound to serve under their order, that a sum not exceeding twenty dollars shall be paid to the said apprentice, instead of the sum of twelve dollars heretofore allowed by law.

SEC. XHI. THIS act shall commence and be in force from and after the first day of March next.

## CHAPTER XV.

An ACT to amend the act to regulate the solemnization of Marriages; prohibiting such as are incestuous or otherwise unlawful; to prevent forcible and stolen Marriages; and for punishment of the Crime of Bigamy.

[Passed the 3d of December, 1794.]

Preamble.

SECTION I. WHEREAS it is suggested to the General Assembly of Virginia, that there is no ordained Minister of the Gospel in regular communion with any society of christians, or other person residing in either of the counties of Lee or Randolph, authorized to celebrate the rights of matrimony between persons desirous of entering into that state, whereby the inhabitants of the said counties are exposed to great inconvenience, and in many instances to considerable personal danger, as persons desirous of contracting matrimony, are, in order to have the ceremony legally performed, obliged to travel a considerable distance over mountains difficult to pass, and often infested with hostile Indians:

Courts of certain counties to appoint persons to celebrate the rites of matrimony in their respective counties.

SEC. II. BE it therefore enacted by the General Assembly of Virginia, That from and after the passing of this act, it shall and may be lawful for the courts of the said counties to appoint two persons in each of the said counties, who shall be residents within the county from the court whereof they shall have received their appointments, who by virtue of this act shall be authorized to celebrate the rites of marriage wherein they respectively reside.

Persons so appointed, how to be qualified.

SEC. III. THAT every person so appointed, before entering into the execution of his office, shall take the oath of fidelity to the commonwealth, and enter into bond with sufficient security, in the sum of fifteen hundred dollars, payable to the Governor for the time being, and his successors, for the true and faithful performance of his trust, whereupon, such court is hereby required to grant to the person so appointed, a certificate in the following form, given under the hand and seal of the then sitting judge or senior magistrate, and attested by the clerk, to wit: This shall certify to all whom it may concern, that at a court held for the county of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_, A. B. took the oath of fidelity to this commonwealth, and having entered into bond and security, agreeable to an act, intitled, "An act, to amend the act to regulate the solemnization of marriages; prohibiting such as are incestuous or otherwise unlawful; to prevent forcible and stolen marriages; and for punishment of the crime of bigamy," is hereby authorized to celebrate within the county of \_\_\_\_\_, the rites of marriage between persons desirous of contracting the same: And every testimonial so obtained, shall be considered as a good and sufficient authority to celebrate the rites of marriage within the county from the court whereof the testimonial is obtained, between persons regularly applying therefor.

Form of certificate to be given them.

Not to marry persons without publication of banns, or a license. To be subject to the same penalties for breach of their duty as ordained ministers.

SEC. IV. PROVIDED, That any person so appointed, shall in no instance celebrate the rites of marriage, until the due publication of banns, or in consequence of a license duly obtained: and if he should celebrate the rites of marriage when forms and provisions of law have been dispensed with, which are necessary to be observed when marriage is celebrated by an ordained minister, he shall be subject to the same penalties as are in such instances inflicted on ordained ministers, recoverable in the manner, and liable to the action of the party aggrieved, as is directed by the act, intitled, "An act to regulate the solemnization of marriages; prohibiting such as are incestuous or otherwise unlawful; to prevent forcible and stolen marriages; and for punishment of the crime of bigamy."

Removing out of the county, others to be appointed in their stead.

SEC. V. AND if any person so appointed by the courts aforesaid, or either of them shall die or remove out of the county, it shall be lawful for the said courts or either of them, to appoint some person in lieu of the person so dying or removing, who shall qualify to the performance of his trust in the manner before directed, and shall be subject to the same penalties and actions, and by the same mode of recovery above pointed out.

To be allowed the same fees as ordained ministers.

SEC. VI. AND be it further enacted, That any person appointed to celebrate the rites of marriage by virtue of this act, shall be entitled to the same fees and liable to the same actions, in case of refusal to celebrate the same between persons legally applying therefor, as are given to or against ordained ministers in similar circumstances by virtue of the above recited act, and that he shall return to the clerk of the county a certificate of every marriage by him celebrated, a record whereof shall be kept by the clerk as is directed by law when the marriage ceremony has been performed by an ordained minister.

To return to the clerk's office certificates of the marriages celebrated by them.



## CHAPTER XVI.

*An ACT concerning granting Appeals from Decrees in Chancery.*

[Passed the 29th of November, 1794.]

SECTION I. **B**E it, and it is hereby enacted by the General Assembly of the Commonwealth of Virginia, That whensoever any person or persons, body politic or corporate, shall think himself or themselves aggrieved by the decree or final order of any county or corporation court sitting in chancery, in any suit or controversy whatsoever, where the debt or other thing claimed or recovered, exclusive of costs, shall be of the value of thirty-three dollars or three thousand pounds of tobacco, or where land, slaves, or other specific property shall be the subject of the decree or final order, such person or persons, body politic or corporate, being a party defendant, may enter an appeal to the high court of chancery from such decree or final order, and before granting any such appeal, the party praying the same being a defendant, or some other responsible person shall enter into bond with sufficient security in a reasonable penalty, with condition to satisfy and pay the amount recovered in the county or other court aforesaid, and all costs, and to perform in all things the said decree or final order in case the same be affirmed.

Mode of obtaining appeals from decrees of the county courts in chancery, to the high court of chancery:

SEC. II. AND in like manner and under the like regulations, an appeal may be prayed and granted unto a defendant from any decree or final order of the high court of chancery unto the court of appeals, where the debt or other thing claimed or recovered, exclusive of costs, shall be of the value of one hundred dollars, or three thousand pounds of tobacco, or where land, slaves, or other specific property shall be the subject of the decree or final order.

From decrees of the high court of chancery to the court of appeals.

SEC. III. THIS act shall commence and be in force from the passing thereof, but shall not be construed to extend to any appeals heretofore allowed and granted.

Commencement of this act.

## CHAPTER XVII.

*An ACT to amend the act for regulating Pilots, and ascertaining their Fees.*

[Passed the 24th of December, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That every master of a vessel carrying a pilot to sea, shall pay to such pilot the same wages as the mate of such vessel receives.

Pilots carried to sea, to receive the same wages as the mate.

SEC. II. EVERY pilot hereafter applying for a branch, shall, previous to obtaining the same, enter into bond, with such security as the commissioners may approve, in the sum of eight hundred dollars.

Pilots hereafter obtaining branches, to give bond & security.

SEC. III. NO pilot residing in another State shall be allowed to act as a pilot in any boat belonging to this State; and if any such person shall presume to act, he shall be liable to the same penalty for each offence as is imposed by law on such as violate the terms of their branch and respective class, to be recovered in like manner.

Pilots residing out of the State, not to act in any boat belonging to this State.

SEC. IV. EVERY pilot being requested by the owner or master of a vessel, and attending the same with his boat, shall be allowed and paid the sum of five dollars for each day he shall attend.

Allowance to pilots for each day they attend a vessel at the master's request.

SEC. V. EVERY pilot taking charge of any ships of war, shall receive the following prices in lieu of the pilotage heretofore allowed, that is to say: For all ships of war above fifty guns, from Cape Henry to Hampton Road, sixteen dollars; for all ships under fifty and above twenty guns, twelve dollars; from Cape Henry to York town for all ships above fifty guns, twenty dollars; for all ships under fifty guns and above twenty guns, fifteen dollars; from Cape Henry to any river on Mockjack bay, twenty dollars; from the Cape to Smith's point on South Patowmac, forty dollars, and the same back again.

Rates of pilotage for ships of war.

SEC. VI. EVERY pilot shall be allowed and paid for the pilotage of any vessel above seventy tons, and coming from sea, one fourth in addition to the sums allowed by law.

One fourth added to the pilotage of certain vessels.

SEC. VII. SO much of any act or acts as comes within the purview of this act, is hereby repealed.

Repealing clause

SEC. VIII. PROVIDED, That nothing herein expressed shall affect the rate of pilotage as established by law from the Capes to the different places up the Patowmac river, which shall remain as estimated in the law passed in one thousand seven hundred and ninety-two.

Exception as to vessels going from the capes up Patowmac.

SEC. IX. THIS act shall commence and be in force from and after the first day of March next.

Commencement of this act.



## CHAPTER XVIII.

An ACT to amend the act, intituled, "An act reducing into one the several acts for punishing persons guilty of certain Thefts and Forgeries."  
[Passed the 8th of December, 1794.]

Felony without benefit of clergy, to counterfeit or assist in counterfeiting any deed, will, bond, bill, note, acquittance or receipt, or assignment of any bond, bill, &c.

Or to utter or publish as true any such counterfeited deed, will, bond, bill, note, &c. or assignment thereof.

Commencement of this act.

SECTION I. **B**E it enacted by the General Assembly, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or wittingly act or assist in the false making, forging or counterfeiting any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for the payment of money or tobacco, or other valuable thing, or any acquittance or receipt either for money or tobacco, or other valuable thing, or any endorsement or assignment of any bond, writing obligatory, bill of exchange, promissory note for the payment of money or tobacco, or other valuable thing, with intention to defraud any person or persons whatsoever, or any corporation, or shall utter or publish as true, any false, forged or counterfeited deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for the payment of money or tobacco, or other valuable thing, endorsement or assignment of any bond, writing obligatory, bill of exchange, promissory note for the payment of money or tobacco, or other valuable thing, acquittance or receipt for money, tobacco, or other valuable thing, with intention to defraud any person or persons whatsoever, or any corporation, knowing the same to be false, forged, or counterfeited, then every such person being thereof legally convicted, shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy.

SEC. II. THIS act shall commence and be in force from and after the last day of March next.

## CHAPTER XIX.

An ACT to amend an act, "Reducing into one the several acts concerning Wills, the Distribution of Intestates Estates, and the duty of Executors and Administrators."  
[Passed the 5th of December, 1794.]

What portion of the father's estate shall be allotted to children born after the making of their father's will, in which they are pretermitted, where they are not provided for by settlement.

SECTION I. **B**E it enacted by the General Assembly, That if a testator having a child or children born at the time of making and publishing his last will and testament, shall at his death leave a child or children born after the making and publishing of his said last will and testament, the child or children so after born, if such child or children be unprovided for by settlement, and be neither provided for nor disinherited, but only pretermitted by the last will and testament, shall succeed to the same portion of the father's estate as such child or children would have been entitled to, if the father had died intestate; towards raising which portion the devisees and legatees shall contribute proportionably out of the parts devised and bequeathed to them by the same will and testament, in the same manner as is provided in the case of posthumous children.

SEC. II. AND whereas by an act, intituled, "An act reducing into one, the several acts concerning slaves, free negroes, and mulattoes," it is enacted, "That all negro and mulatto slaves in all courts of judicature within this commonwealth, shall be held, taken and adjudged to be personal estate:" And whereas by the act "Reducing into one the several acts concerning wills, the distribution of intestates estates, and the duty of executors and administrators," it is also enacted, "That executors and administrators, whether it be necessary for payment of debts or not, shall as soon as convenient after they are qualified, sell at public sale all such goods of their testator or intestate, specific legacies excepted, as are liable to perish, be consumed, or rendered worse by keeping:" And whereas doubts may arise whether as slaves being personal estate, are perishable and liable through age or sickness to be rendered of less value by keeping, executors and administrators are not bound to sell the same whether it be necessary for the payment of debts or not: For declaring the law touching the same, *Be it further enacted*, that executors and administrators shall not sell the slaves of their testators or intestates, unless the other part of the personal estate, regard being had to the privilege of specific legacies, shall not be sufficient for paying the debts and expences, and in that case such part only of the slaves shall be sold as shall be sufficient to satisfy the debts and expences, and the residue of the slaves shall be reserved in kind for the legatees or distributees of their testators or intestates respectively.

Executors not to sell their testator's slaves for payment of debts, unless the other personal estate is insufficient.

Commencement of this act.

SEC. III. THIS act shall commence and be in force from the passing thereof.

## CHAPTER XX.

An ACT to repeal the third section of an act, intituled, "An act to ascertain the mode of obtaining Grants to certain Lands on the Western Waters."  
[Passed the 25th of December, 1794.]

The section repealed, recited.

SECTION I. **B**E it enacted by the present General Assembly, That all that part of the third section of an act, intituled, "An act to ascertain the mode of obtaining grants to certain lands on the western waters," passed in the year one thousand seven hundred and eighty-three, and is in the words following, viz, "That for all arrearages which shall



" be due and have been previously demanded by the said companies or their agents, on  
 " or before the twenty-fifth day of December, in the year of our Lord, one thousand  
 " seven hundred and eighty-four, previous to which no distress shall be made, the sheriff  
 " of the counties wherein such lands lie, the price of which may be due, at the request  
 " of the different companies or their agents, may and are hereby directed to lay off in  
 " a compact body so much of the said land, to be pointed out by the tenant or proprie-  
 " tor, as shall be the value of such debt, and shall proceed to sell the same, charging the  
 " debtor with the usual commission thereon, and the expence of surveying such dividend  
 " or quantity of land, provided that he gives thirty days public notice of the time and  
 " place of such sale," shall be, and the same is hereby repealed.

SEC. II. *AND be it further enacted*, That no forfeiture of lands held under any of the grants shall take place in case of non-payment.

SEC. III. *THIS act shall commence and be in force from and after the passing thereof.*

None of the lands held under the grants to be forfeited for non-payment of the purchase money. Commencement of this act.

## CHAPTER XXL

*An ACT to amend the Act prescribing the Mode of ascertaining the taxable Property within this Commonwealth, and of collecting the public Revenue.*

[ Passed the 19th of December, 1794 ]

SECTION I. **W**HEREAS, by the twenty-ninth section of the act, intituled, "*An act prescribing the mode of ascertaining the taxable property within the commonwealth, and of collecting the public revenue*," it is enacted in the words following, to wit: "No sheriff or collector shall be allowed to distrain for any taxes after two years from the time the taxes became due, except sheriffs appointed prior to the year one thousand seven hundred and ninety two, who shall have the power of distraining for the taxes now due for the term of eighteen months from the passing of this act. *Provided nevertheless*, that no sheriff or collector shall be allowed to distrain for such arrearages until he shall have entered into bond, with sufficient security to be approved of by such court, to pay and satisfy all such damages and costs as may be recovered against him for any abuse of the power hereby vested in him." And whereas, by the fortieth section of the said act the same was declared to commence in force from and after the passing thereof, to wit, the thirteenth day of December, in the year of our Lord one thousand seven hundred and ninety two: And whereas, by one other act, passed on the twenty eighth day of December, in the year one thousand seven hundred and ninety two, intituled, "*An act declaring what acts of the present session shall be immediately in force, and to suspend the operation of all other acts of the present session, which are of a public and permanent nature*," the operation of the act first aforesaid was suspended until the first day of October, in the year of our Lord one thousand seven hundred and ninety three, by reason whereof doubts have arisen from what period the aforesaid term of eighteen months was to be accounted to commence: For remedying whereof, and to give to the said sheriffs appointed prior to the year one thousand seven hundred and ninety two, the full benefit intended by the said act,

Preamble.

SEC. II. *BE it enacted and declared*, That the said term of eighteen months within which they may have power of distraining for the taxes then due under the regulations of the said act, shall be held to have commenced from and after the said first day of October, one thousand seven hundred and ninety three, and not sooner. *And be it further enacted*, That the further time of six months from the expiration of the said term of eighteen months, shall be allowed the said sheriffs for completing their collections under the regulations and provisions of the said recited act.

Time allowed by law to sheriffs appointed prior to the year 1792, to collect their arrearages, extended.

SEC. III. WHEREAS doubts have arisen whether the lands on which no taxes are paid for the space of three years do not become forfeited to the commonwealth under the thirty-fifth section of the aforesaid act, although the returns directed to be made by the sheriffs or collectors, and the notice to be thereupon given by the treasurer, as prescribed by the thirty-fourth section of the said act, have not been made nor given. For a plain declaration of the law, *Be it therefore enacted*, That no lands shall be deemed to have been forfeited to the commonwealth, unless the returns and notice have been made and given agreeably to the said thirty-fourth section, nor shall any land become forfeited to the commonwealth for the non-payment of taxes for the space of three years, unless the returns and notice prescribed by the thirty-fourth section shall be made and given.

No lands to be deemed forfeited for non-payment of taxes, unless the returns and notices required by law have been made and given.

SEC. IV. *PROVIDED always*, That nothing contained in this act shall affect any legal right acquired by any person or body corporate other than that of the commonwealth.

Saving clause.

SEC. V. *THIS act shall commence and be in force from and after the passing thereof.*

Commencement of this act.



CHAPTER XXII.

*An ACT concerning Appointments to Civil Offices.*

[Passed the 24th of November, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That no senator or delegate, shall during the time for which he was elected, be appointed to any civil office under the authority of the commonwealth, which shall have been created, or the emoluments whereof shall have been increased or decreased during such time.

Commencement  
of this act.

SEC. II. THIS act shall be in force from and after the passing hereof.

CHAPTER XXIII.

*An ACT concerning certain Taxes due in the County of Washington.*

[Passed the 18th of December, 1794.]

Preamble.

SECTION I. **W**HEREAS it hath been represented, that Thomas Mitchell was in the month of August last, appointed by the Executive, collector of the revenue taxes due in the county of Washington, for the years one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, and one thousand seven hundred and eighty-four, and application hath been made to allow the said Thomas Mitchell a longer time to make the said collection than is prescribed by law for collecting and paying the revenue tax, which is judged reasonable and expedient :

When the collector of the taxes due for certain years in the said county, is to collect and account for the same.

SEC. II. *BE it therefore enacted by the General Assembly,* That the said Thomas Mitchell shall be allowed until the first day of August next, to collect and pay into the public treasury the taxes due in the said county, for the year one thousand seven hundred and eighty-two, until the first day of August, one thousand seven hundred and ninety-six, to pay the taxes due for the year one thousand seven hundred and eighty-three; and until the first day of August, one thousand seven hundred and ninety-seven, to pay the residue of the said taxes; any law to the contrary, or seeming to the contrary thereof notwithstanding.

When he may  
distrain therefor.

SEC. III. *PROVIDED always,* That the said Thomas Mitchell shall in no wise be permitted to distrain for the said taxes of one thousand seven hundred and eighty-three, and one thousand seven hundred and eighty-four, until the first day of February in each year preceding the period, at which a payment is by this act required to be made into the public treasury.

Commencement  
of this act.

SEC. IV. THIS act shall commence and be in force from and after the passing thereof.

CHAPTER XXIV.

*An ACT to empower the President of the United States to purchase a Tract of Land within this State, for the purpose of erecting a Public Arsenal thereon.*

[Passed the 28th of November, 1794.]

SECTION I. **B**E it enacted by the General Assembly of the Commonwealth of Virginia, That it shall and may be lawful for the President of the United States, or any person by him appointed for that purpose, to purchase within the limits of this State a quantity of land, not exceeding six hundred and forty acres, for the use of the United States, for the purpose of erecting a magazine and arsenal thereon.

SEC. II. THIS act to commence and be in force from and after the passing thereof.

CHAPTER XXV.

*An ACT for the Support of the Marine Hospital.*

[Passed the 25th of December, 1794.]

Taxes imposed  
on all sailors  
coming into the  
ports of this  
commonwealth.

SECTION I. **B**E it enacted by the General Assembly, That a tax of thirty cents shall be, and is hereby imposed on every sailor, to be paid by the captain, master or owner of the vessel on her return from a voyage at the time of making entry of such vessel.

When and how  
to be collected.

SEC. II. *EVERY* captain, master or owner of a vessel on his return from a voyage, shall at the time of entering his vessel, give in upon oath to the collector a list of the names of sailors in his vessel, and moreover pay down the tax hereby imposed, to be by him deducted out of their wages. If the captain, master or owner shall fail to give in such list, he shall forfeit and pay the sum of forty dollars, to be recovered by the collector with costs on motion in any court of record in this commonwealth, provided the party has ten days previous notice of such motion. If the captain, master or owner of any vessel shall fail to pay down the amount of the tax as aforesaid, it shall be lawful for the collector, and he is hereby required to recover the same by warrant, before a magistrate, where the sum doth not exceed five dollars, and where it exceeds that sum, by motion as before directed in case of failure to give in a list.



SEC. III. EVERY collector in this commonwealth on or before the first day of March next, shall enter into bond with sufficient security in the court of the county where he resides, in the penalty of four thousand dollars, payable to the Governor and his successors, with condition for the due and faithful accounting for and paying all such sums of money as shall or may come to his hands by virtue of this act. Every collector shall render such account quarterly to the treasurer of the commonwealth, and pay to him the money he shall have received by virtue of this act, deducting a commission of two and an half for his trouble in collecting and paying the same, and on failure thereof, such collector shall forfeit and pay the sum of eight hundred dollars, to be recovered by the treasurer in any court of record in this commonwealth by motion, provided the collector has ten days previous notice of such motion.

Collectors to give bond and security for collecting and accounting for the said tax. To render accounts thereof quarterly to the treasurer. Their commissions.

SEC. IV. ALL monies received by the treasurer in virtue of this act shall be applied under the direction of the Executive towards finishing and supporting the marine hospital in the town of WASHINGTON, in the county of Norfolk: *Provided* that no seaman or mariner whatever, who shall arrive in any port of this commonwealth, (other than into the ports on James, York, Rappahannock and Elizabeth rivers) shall be considered as coming within the purview of this act. Any thing herein contained to the contrary notwithstanding.

Money received by virtue of this act to be applied to the support of the marine hospital in Washington, in Norfolk county. Ports in which the tax is payable.

#### CHAPTER XXVI.

*An ACT for establishing a Mutual Assurance Society against Fire on Buildings in this State.*

[Passed the 22d of December, 1794.]

SECTION I. **W**HEREAS from the great and frequent losses sustained by the ravages of fire, it is advised expedient to adopt some mode to alleviate the calamities of the unfortunate who may suffer by that destructive element, and William Frederick Aft, of the city of Richmond, having suggested and submitted to the consideration of the General Assembly, a plan of mutual assurance (the title whereof is "The mutual assurance society on buildings against fire of the state of Virginia," which it is conceived will fully answer the above purposes:

Preamble.

SEC. II. *BE it therefore enacted*, That an assurance be established, to be called and known by the name of "*The mutual assurance society against fire on buildings of the state of Virginia*," the principles whereof shall be "that the citizens of this state may insure their buildings against the losses and damages occasioned accidentally by fire, and that the insured pay the losses and expenses, each his share according to the sum insured;" And that subscriptions be opened in the different parts of this state, where it may be thought necessary, under the direction of Thomas Newton, junior, and James Morris, at Norfolk; Archibald Richardson and John Driver, at Suffolk; Robert Andrews and Robert Greenhow, at Williamsburg; John Jeffers, Alexander M. Rae, and John Osborne, at Petersburg; Worlich Westwood and George Hope, at Hampton; John Harvie, Robert Mitchell, Andrew Dunscomb, and William F. Aft, at Richmond; Fontaine Maury and Robert Patton, at Fredericksburg; William Hartshorne and Robert T. Hoe, at Alexandria; Archibald Magill and Abraham Neille, at Winchester; Alexander St. Clair and Robert Grattan, at Staunton; Henry Bowyer, Thomas Madison, and John Miller, at Fincastle; William Norvell and Sackville King, at Lynchburg; John Caruthers and William Lyle, at Lexington; William Reynolds, William Cary, and Abraham Archer, at York; James Penn and Thomas Read, at New-London; James Mutchitt and Alexander Henderson, at Dumfries; Alexander Smyth and John Montgomery, of Wythe; James Miller and John Hipkins, at Port-Royal; John Quinn and John Oree, of Liberty; Robert Dunbar and Daniel Triplett, Falmouth; William White and Caleb Boush, Kempsville; Thomas Bell and Robert Jouitt, at Charlottesville; and David Hunter and Moses Hunter, at Martinsburg, in the county of Berkeley. As soon as the sum subscribed for shall amount to three millions of dollars or upwards, notice shall be given in the Virginia gazettes, and a day fixed upon for the meeting of the subscribers, who shall then either attend in person or by representatives in the city of Richmond, to examine the aforesaid system of a mutual assurance, proposed by the said William Frederick Aft, and conclude upon such rules and regulations as they or a majority of them may think best, which shall be signed by any twelve of them chosen for that purpose, and that the same shall then be binding on all those who shall insure their property in the said assurance society.

Assurance society established. Its name. Principles of insurance.

Where and under whose direction the subscriptions shall be opened.

When a certain sum is subscribed, subscribers to meet in Richmond and form rules for the society.

SEC. III. AND as soon as they have agreed upon such rules and regulations, they shall proceed to elect by a majority of the votes of the subscribers present, agents for the management of the business of the said society, and thenceforth they shall be considered as a body politic incorporated by this act, under the denomination aforesaid, and by that name shall have succession, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity in this commonwealth or elsewhere, and may buy and sell, do and execute every other thing relative to the society. But none of the subscribers or their agents shall be sued individually for any thing that relates to the assurance society in general. In case of law-suits or any other business, application shall be made to the agents, and they shall appear and act for and in behalf of the society.

And choose agents. And thenceforth to be a body politic.

None of the subscribers or the agents to be sued individually.



The majority of the society may change the rules thereof.  
Premiums for insurance by whom to be fixed.  
To be kept as a fund for paying for losses by fire.

SEC. IV. THE society, or a majority of them, shall be at liberty from time to time to alter and amend the rules and regulations as they may judge necessary.

SEC. V. THEY shall agree upon certain premiums to be paid by the persons who shall have their property insured at the time of such insurance, which shall be deposited and kept as a fund for the purpose of making immediate reparation to such persons as may sustain losses or damages by fire after proof that the fire actually happened, unless it be proved that the proprietor of the buildings insured did wilfully occasion the fire directly or indirectly.

When the fund is deficient, the losses to be made good by the subscribers, and the property insured pledged therefor.

SEC. VI. IF the funds should not be sufficient, a repartition among the whole of the persons insured shall be made, and each shall pay on demand of the cashier, his, her or their share according to the sum insured, and the rate of hazard at which the building stands, agreeable to the rate of the premiums, for which purpose it is hereby declared that the subscribers, as soon as they shall insure their property in the assurance society aforesaid, do mutually for themselves, their heirs, executors, administrators and assigns, engage their property insured (but none other) as security, and subject the same to be sold, if necessary, for the payment of such quotas.

How their respective quotas are to be ascertained and collected.

SEC. VII. THAT these quotas shall always be so rated as to raise and keep up a fund, so that the interest thereof may be deemed by the president and directors (to be elected by the said society) sufficient to pay the annual losses and expenses. If such quotas are found necessary, the president is to publish in the public newspapers how much the quota is of each rate of hazard per every hundred dollars, whereupon the insured shall pay the same on application to the cashier in whose office the property is insured. Whensoever any person or persons shall neglect to pay such quotas, the assurance to him made shall cease and discontinue from the day on which they became due until paid.

Insured failing to pay, to lose his insurance until he does.

Policies to be assigned to purchasers and mortgagees who are to stand in the room of the original subscribers.

SEC. VIII. TO the end that purchasers or mortgagees of any property insured by virtue of this act, may not become losers thereby, the subscribers selling, mortgaging, or otherwise transferring such property, shall at the time apprise the purchaser or mortgagee of such assurance, and endorse to him or them the policy thereof. And in every case of such change the purchaser or mortgagee shall be considered as a subscriber in the room of the original, and the property so sold, mortgaged, or otherwise transferred, shall still remain liable for payment of the quotas in the same manner as if the right thereof had remained in the original owner.

Compensation to Wm. F. Aft, author of the plan.

SEC. IX. AS an encouragement and compensation to the said William Frederick Aft, for forming, suggesting and publishing the beforementioned useful plan of mutual assurance, *Be it further enacted*, That he shall be entitled to have and receive annually, one cent for every hundred dollars that are or may be insured as aforesaid, to be paid him at the end of every three months, as the same become due, out of the funds of the said mutual assurance society, as a yearly stipend, and for which, if required by the insured, he is by himself or agent to perform faithfully the duty (which can reasonably be done by one person) of such office of the said society as he may be appointed to by the same, and the emolument hereby allowed shall not in any manner be diminished during his good and faithful behavior.

Society may require him to perform such office as they may appoint him to.

How subscribers may be compelled to pay the premiums.

SEC. X. THE subscribers in default of paying the premiums at the times fixed therefor, shall, on request of the cashier, be compelled to pay the same with six per cent. interest thereon to the day of payment, and their property shall be liable to be sold for the same as aforesaid.

Commencement of this act.

SEC. XI. THIS act shall commence and be in force from and after the passing thereof.

#### CHAPTER XXVII.

*An ACT for altering the place of holding Courts in the County of Caroline.*

[Passed the 9th of December, 1794.]

The court to be held hereafter at the Bowling Green.

SECTION I. **B**E it enacted by the General Assembly, That from and after the first day of February next, a court for the county of Caroline shall be constantly held at the place called and known by the name of the Bowling Green, in the said county, instead of the place heretofore appointed by law. So much of any act as comes within the purview of this act is hereby repealed.

Commencement of this act.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

#### CHAPTER XXVIII.

*An ACT for altering the Court days and quarterly Sessions of certain Counties.*

[Passed the 12th of December, 1794.]

Hampshire.

SECTION I. **B**E it enacted by the General Assembly, That from and after the first day of February next, a court for the county of Hampshire shall be held by the justices thereof on the Monday next after the second Tuesday in every month.



SEC. II. THAT a court for the county of Hardy shall be held by the justices thereof on the Wednesday next after the second Tuesday in every month.

Hardy.

SEC. III. THAT a court for the county of Northampton shall be held on the second Monday in every month.

Northampton.

SEC. IV. THAT a court for the county of Westmoreland shall be held on the fourth Monday in every month.

Westmoreland.

SEC. V. THAT a court for the county of Albemarle shall be held on the first Monday in every month.

Albemarle.

SEC. VI. THAT a court of Hustings, in the town of Alexandria, shall be held on the Friday after the third Monday in every month.

Alexandria.

SEC. VII. AND that a court for the county of Berkeley shall be held on the Monday next after the third Tuesday, instead of the days appointed by law for holding courts in the said counties and town respectively.

Berkeley.

SEC. VIII. THAT a court of quarterly session shall be held in the said county of Westmoreland in the months of February, July and October annually, instead of the months of March, August and November; and a court of quarterly session for the said town of Alexandria, shall be held in the months of March, June, August and November, annually.

Certain quarterly sessions in Westmoreland and Alexandria changed.

SEC. IX. SO much of any act as comes within the meaning of this act is hereby repealed.

Repealing clause

SEC. X. THIS act shall commence and be in force from and after the first day of February next.

Commencement of this act.

#### CHAPTER XXIX.

*An ACT repealing the act, authorising and directing the Courts of the Counties of Hampshire and Hardy to levy a Sum of Money for the purpose therein mentioned.*

[Passed the 2d of December, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That the act passed in the year one thousand seven hundred and ninety-two, intituled, "An act authorising and directing the courts of the counties of Hampshire and Hardy to levy a sum of money for the purpose therein mentioned," shall be, and the same is hereby repealed.

Act of 1792 repealed.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

Commencement of this act.

#### CHAPTER XXX.

*An ACT to establish an inspection of Flour at Urbanna.*

[Passed the 12th of December, 1794.]

**B**E it enacted, That an inspector of flour shall be appointed at Urbanna, in the county of Middlesex, under the like rules, regulations, penalties and forfeitures, and recovered and applied in manner directed and prescribed by the act, intituled, "An act reducing into one, the several acts for regulating the inspection of flour and bread."

#### CHAPTER XXXI.

*An ACT for selling the Glebe Land of the Parish of Tillotson, in the County of Buckingham.*

[Passed the 9th of December, 1794.]

SECTION I. **W**HEREAS it hath been represented, that it would be of great utility to the county of Buckingham, to dispose of the glebe land of the parish of Tillotson, in the said county, and application hath been made to the present General Assembly for that purpose:

Preamble.

SEC. II. *BE it therefore enacted*, That John Radford, Josias Jones, William Purkins, Thomas Moseley, and Samuel Allen, gentlemen, or any three of them, be, and they are hereby appointed commissioners, with full power, and they are accordingly directed to dispose of the tract of land and its appurtenances by law appropriated as a glebe for the aforesaid parish of Tillotson, to the highest bidder, on twelve months credit, the purchaser to give bond with security to be approved of by the commissioners, upon giving two months previous notice in the Virginia Gazette of the time and place appointed for the sale thereof, and that the money arising from such sale be by the said commissioners, or any three of them, applied when received for the benefit and to the use of the parish of Tillotson, by the direction of the overseers of the poor of the said parish.

Commissioners appointed to sell the glebe lands.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

Purchase money how to be applied.

Commencement of this act.



## CHAPTER XXXII.

*An ACT for appointing Commissioners to superintend the opening a Road from Elk River in Kanawha County, to the Mouth of the Great Kanawha River.*

[ Passed the 19th of December, 1794. ]

Preamble:

SECTION I. **W**HEREAS it has been represented to the present General Assembly, that in the year one thousand seven hundred and eighty-eight, an act passed the Legislature of Virginia, appointing commissioners to superintend the cutting and clearing a road from the end of the state road in the county of Kanawha, to Lexington, in Fayette county: And whereas it appears by the said recited act, that fifteen hundred pounds of the taxes due from the county of Kanawha were appropriated to opening the said road as far as Great Sandy river, from which place (in the said recited act) commissioners in the district of Kentucky were appointed to carry on the said road to Lexington in the said district of Kentucky: And whereas it further appears that since Kentucky became a separate state, they have refused to clear any part of the said road:

Commissioners appointed.

Their duties and powers.

SEC. II. *BE it therefore enacted by the present General Assembly,* That Thomas Lewis, Leonard Cooper, William Clendinen, John Morris, senior, George Alderson, Leonard Morris, John Jones, Reuben Slaughter, John Vanbibber, Abraham Beaker, and George Clendinen, gentlemen, or a majority of them, be, and they are hereby appointed commissioners, who after having severally taken an oath before the court of the said county of Kanawha, and entered into bond with sufficient security, in the penal sum of three thousand pounds, payable to the Governor and his successors, for the use of the commonwealth, for the due, faithful, and impartial execution of the duties of their office, do appoint a time and place of meeting, giving two months previous notice thereof by advertisement at the door of the courthouse of the said county of Kanawha, do then and there proceed to let to the lowest bidder, the opening a waggon road at least twenty feet wide, from the mouth of Elk river in Kanawha county, to the mouth of Great Kanawha river in the said county, to be finished and compleated in two years, taking bond with sufficient security of the undertaker or undertakers for the due and faithful execution of the said work in the term aforesaid, which bond shall be payable to the said commissioners.

Undertaker may contract with the inhabitants of Kanawha for labour and supplies; and his certificates therefor to be received in payment of arrears of taxes.

SEC. III. THE undertakers shall have power to contract with any person or persons, inhabitants within the said county of Kanawha, for personal labour or supplies necessary for carrying on the said work, and shall give certificates to the persons so contributing, to the amount of whatever they may have furnished, which certificate when countersigned by one or more of the said commissioners, the sheriff of the said county of Kanawha shall receive from the holder thereof, and the said sheriff shall be allowed a credit for all such certificates by him received at the treasury of this commonwealth, in the settlement of the arrears of taxes due from the said county. *Provided always, and be it further enacted,* That the said commissioners shall furnish the auditor of public accounts with a transcript of their book of accounts, before any certificates shall be allowed to the said sheriff in settlement of his accounts; and no certificates shall be allowed unless countersigned as aforesaid, and entered in the transcript sent by the said commissioners to the auditor of public accounts.

All proceedings against the sheriff for the arrears, suspended until December 1796.

Where the taxes are not paid as aforesaid, the same to be collected by the sheriff and paid to the commissioners.

Certificates to be granted pursuant to this act not to exceed £. 1500.

Copy of the commissioners bond, &c. to be transmitted to the executive.

SEC. IV. ALL proceedings against the sheriff of the said county of Kanawha, respecting the said arrears of taxes (except as hereafter excepted) shall be stayed until the twentieth day of December, in the year one thousand seven hundred and ninety-six.

SEC. V. EVERY person in the said county of Kanawha, failing to contribute so much to the opening the said road as will be sufficient to discharge his arrears of taxes, on or before the twentieth day of December, in the year one thousand seven hundred and ninety-five, it shall and may be lawful for the sheriff of the said county of Kanawha, to collect and distrain for the same, and pay the amount thereof to the commissioners, within two months thereafter, and on failure so to do, the said commissioners may obtain a judgment against him in the court of the said county of Kanawha, provided he has ten days previous notice of such motion. *Provided also,* that the amount of the certificates so granted pursuant to this act, shall not exceed the sum of fifteen hundred pounds, nor shall the sheriff be allowed a credit for a greater sum.

SEC. VI. THE clerk of the said county of Kanawha, shall transmit to the Executive, a copy of the bond given, and oath taken by the said commissioners, within six months, under the penalty of one hundred pounds, to be recovered by action of debt or information in any court of record, to the use of the person who may sue for the same.

Part of the said £. 1500 to be applied to pay for the work heretofore done; and part for opening a road from the upper to the lower ford on Gauley river.

SEC. VII. *PROVIDED also, and be it further enacted,* That so much of the said fifteen hundred pounds as may appear to have been necessarily expended by the former commissioners, in cutting and making the aforesaid road to Great Sandy river, shall be by the commissioners appointed by this act, paid to the individuals entitled thereto; and also the further sum of one hundred pounds out of the said sum, be by the said commissioners applied to the cutting and clearing a waggon road from the upper ford of Gauley, on the north side thereof, to the lower ford of the said river through the narrows. Any law to the contrary notwithstanding.



CHAPTER XXXIII.

An ACT for repairing the Road over the Blue Ridge at Swift-run Gap, in the County of Rockingham.

[Passed the 10th of December, 1794.]

SECTION I. **W**HEREAS it hath been represented, that the road over the Blue-ridge, at Swift-run gap in the county of Rockingham, cannot be kept in repair in the ordinary way prescribed by law :

Preamble.

SEC. II. *BE it therefore enacted by the General Assembly, That the court of the said county of Rockingham shall be, and it is hereby empowered and required, annually to appoint such persons as shall be judged most proper as commissioners, for contracting with some person or persons upon the best terms that can be obtained, for repairing and keeping in repair for one year the road over the Blue-ridge, at the pass called Swift-run, from the plantation of Peter Hershmond, in the said county of Rockingham, to the plantation of Daniel Wolford, in the county of Orange.*

Court of Rockingham annually to appoint persons to contract for keeping the road in repair.

SEC. III. *THE person or persons annually undertaking the said road, shall enter into bond with sufficient security, payable to the justices of the said court, and their successors, in double the sum the same is undertaken for, with condition for the due and faithful performance of the said agreement.*

Undertaker to give bond and security.

SEC. IV. *THE expence of repairing and keeping in repair the said road shall annually be levied by the court on the taxable property in the said county, to be collected and accounted for in like manner as is prescribed by law for collecting and accounting for county levies: Provided always, That such levy shall not annually exceed five hundred dollars.*

Expence thereof how to be defrayed.

SEC. V. *THIS act shall commence and be in force from and after the passing thereof.*

Commencement of this act.

CHAPTER XXXIV.

An ACT to continue an act, intituled, "An act to empower the Justices of Greenbrier and Kanawha, to levy a tax on the Tithables within their respective Counties, sufficient to repair the State Road leading from Lewisburg to the Falls of the Great Kanawha."

[Passed the 22d of December, 1794.]

SECTION I. **W**HEREAS an act, intituled, "An act to empower the justices of Greenbrier and Kanawha, to levy a tax on the tithables within their respective counties, sufficient to repair the state road leading from Lewisburg to the falls of the great Kanawha," will expire during the present session, and it is judged expedient to continue the same:

Preamble.

SEC. II. *BE it therefore enacted by the General Assembly, That the said act shall continue and be in force for and during the term of three years, from and after the passing of this act.*

Act continued in force for three years.

SEC. III. *THIS act shall commence and be in force from and after the passing thereof.*

Commencement of this act.

CHAPTER XXXV.

An ACT for opening a Waggon Road from the Blockhouse in Washington, to the Cumberland Mountain, in the County of Lee.

[Passed the 18th of December, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That Charles Cocke, Benjamin Sharp, William Erving, William Neel, and Frederick Jones, gentlemen, or any three of them, be, and they are hereby empowered and required to contract and agree with such person or persons as they may judge most proper for opening and clearing a waggon road from Big Moccasin gap to Benedict Eries, in the county of Lee, as the same hath been marked out by the commissioners appointed by an act of Assembly, passed in the year one thousand seven hundred and ninety-two, intituled, "An act to facilitate the intercourse of the inhabitants of this commonwealth with the state of Kentucky."

Commissioners appointed.

SEC. II. *THE person or persons undertaking the said work, shall give bond with sufficient security in the penalty of two thousand dollars, payable to the said commissioners, or the survivors or survivor of them, with condition for the due and faithful opening and clearing a waggon road to and from the places aforesaid, within the time limited by the contract for that purpose.*

The undertakers to give bond and security for the due performance of the work.

SEC. III. *THE revenue tax to be collected in the counties of Russell and Lee for the years one thousand seven hundred and ninety-four, and one thousand seven hundred and ninety-five, as also the revenue tax due and in arrear from Russell county, for the year one thousand seven hundred and ninety-three, (provided the money appropriated as aforesaid shall not exceed one thousand dollars) shall be, and the same is hereby appropriated for the purpose of defraying the expence of opening the said road, provided the*

Certain taxes and arrears of taxes (not exceeding 1000 dollars) appropriated to the purpose. Allowances to



the commissioners of the revenue to be first paid.

The sheriffs and collectors to pay the said taxes to the commissioners.

Commissioners to give bond and security to account for and pay to the undertakers the money they receive.

Boundaries of the county.

Repealing clause

Commencement of this act.

Preamble.

Certain lands whereof Robert Routledge died seized, & which have escheated to the commonwealth, vested in the academy.

Court of Prince Edward to appoint commissioners to lay off part of the said land for Charles

sum allowed by law to the commissioners of the land tax in each county aforesaid, shall be first paid out of the said revenue taxes to be due in the years one thousand seven hundred and ninety-four, and one thousand seven hundred and ninety-five.

SEC. IV. THE sheriff or collector of the said taxes shall pay the amount thereof to the said commissioners, or one of them, at the time fixed by law for paying the same into the public treasury, for which the commissioner shall give to the sheriff or collector a receipt. If the sheriff or collector shall fail or neglect to pay the said taxes at the time they become due, it shall be lawful for the said commissioners, or the survivors or survivor of them; to obtain a judgment or judgments against the sheriff or collector and his securities, or either of them, for the taxes so as aforesaid appropriated, or any balance thereof, by motion in any court of record within this commonwealth, and to obtain executions for the same in like manner, and under the same rules and regulations as are prescribed in the case of executions issued in behalf of the commonwealth. *Provided always*, That the sheriff or collector or his securities, shall have ten days previous notice in writing of every such motion.

SEC. V. THE commissioners shall give bond and security payable to the Governor and his successors, before the court of the county of Lee, faithfully to account for and pay all such sums of money as come to their hands by virtue of this act, to the person or persons who shall undertake and clear the said road, according to the contract made for that purpose.

#### CHAPTER XXXVI.

*An ACT for altering the boundary line of the County of Grayson.*

[Passed the 12th of December, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That the county of Grayson shall be bounded as followeth, to wit; Beginning on the top of the Iron Mountain where the line of the county of Washington strikes the same; thence along the top thereof to where the spur or ridge which divides the waters of Brush creek from those of Cripple creek leaves the main mountain; thence along the top of the said ridge to the highest knob thereof near George Ewing's, called Ewing's mountain; thence a direct course to the north corner of the land of Philip Gaines; thence with his line to where it intersects the present line of Grayson; thence to Ross's mill; thence to the top of Poplar-camp mountain and Jennings's mountain to the lines of Montgomery, Patrick, and North-Carolina, to the top of the Iron Mountain, and along the said mountain to the beginning.

SEC. II. SO much of any act as comes within the meaning of this act, is hereby repealed.

SEC. III. THIS act shall commence in force from the passing thereof.

#### CHAPTER XXXVII.

*An ACT granting to the College of Hampden Sydney, certain Lands whereof Robert Routledge died seized.*

[Passed the 11th of December, 1794.]

SECTION I. **W**HEREAS it is represented, that a certain Robert Routledge, late of Prince Edward county, died intestate and without heirs, seized of several tracts of land lying in the said county, containing about twelve hundred and seventy-two acres, more or less, which have escheated to the commonwealth, and that it would be of great utility to the public to grant the same to the college of Hampden Sydney, as it will promote and encourage the education of youth:

SEC. II. *BE it therefore enacted by the General Assembly*, That the aforesaid several tracts of land, to wit; one tract conveyed to the said Robert Routledge in his lifetime by Henry Haynes, containing two hundred and eighteen acres, lying on the south side of Appomattox river; one other tract containing two hundred acres, conveyed to the same by Dayerix Jarratt and Elizabeth his wife; one other tract containing five hundred acres, conveyed to the same by Robert Williamson; and one other tract containing three hundred and fifty-four acres, lying on the south side of the aforesaid river, conveyed to the same by Marvel Stone, which are bounded as expressive in the deeds made and executed for the same, (and now of record in the court of Prince Edward county), shall be, and the same are hereby vested in the president and trustees of the college of Hampden Sydney, to be by them and their successors held in trust to and for the use and benefit of the said college.

SEC. III. *AND* whereas it has been represented that a certain Charles Gray has for many years past resided upon a part of the said lands, under a contract made with James Pleasants, administrator of the said Robert Routledge, deceased, and made sundry improvements thereon: *Be it further enacted*, That the court of the county aforesaid, shall be, and they are hereby authorized and directed to appoint one or more commissioners to



lay off to the said Charles Gray and his present wife, during their natural lives, one hundred acres of the aforesaid land, including the plantation on which they now reside.

Gray and his wife during their lives.

SEC. IV. SAVING to all persons other than those claiming under the commonwealth, all the right, title, and interest which they may have in or to the said lands.

Saving clause.

SEC. V. THIS act shall commence and be in force from and after the passing thereof.

Commencement of this act.

# CHAPTER XXXVIII.

An ACT to incorporate the Trustees of Martinsville Academy, in the county of Henry.

[Passed the 9th of December, 1794.]

SECTION I. WHEREAS application hath been made to this Assembly, to pass an act for appointing trustees to an academy already built adjoining the town of Martinsville, in the county of Henry, and to incorporate the same, and it being the interest of free governments to promote the diffusion of knowledge among its citizens:

Preamble.

SEC. II. BE it therefore enacted, That George Hairston, George Waller, John Dillard, Archelaus Hughes, Abraham Penn, Hugh Innes, Peter Saunders, Samuel Calland, Henry Lyne, Joseph Anthony, George Penn, Charles Foster, Joseph Stovall, Joseph Martin, and John Redd, gent. shall be, and they are hereby constituted a body politic and corporate, by the name of "The Trustees of Martinsville Academy," and by that name shall have perpetual succession and a common seal. The said trustees and their successors by the name aforesaid shall be capable in law to purchase, receive and hold to them and their successors forever, any lands, tenements, rents, goods or chattels of what kind soever, which shall be given or devised to or purchased by them for the use of the said academy, and to sell and dispose of the same in such manner as to them shall seem most conducive to the advantage of the said academy. The said trustees by the name aforesaid may sue and be sued, implead and be impleaded in any court of law or equity. They shall have power from time to time to establish such bye laws, rules and ordinances, not contrary to the constitution and laws of this commonwealth, as they shall deem necessary for the government of the said academy. Not less than seven of the said trustees shall constitute a board to determine upon any matter relative to the establishment, government, or support of the said academy, and no real estate belonging to the same shall be disposed of unless a majority of the said trustees shall concur in opinion thereon. Upon the death, resignation, or other legal disability of any of the said trustees, the vacancy thereby occasioned shall be supplied by the remaining trustees, or a majority of them. The said trustees shall elect a treasurer, who shall receive all monies accruing to the said academy and property delivered to his care, and pay or deliver the same to the order of the said trustees; and before he enters on the execution of the duties of his office, shall give bond and security for such sum as the said trustees shall direct, payable to them and their successors, and conditioned for the faithful discharge of the trust reposed in him; and that he will when required by the said trustees render to them a true account of all monies, goods and chattels received by him on account of, and for the use of the said academy. The treasurer shall receive such salary as may be allowed by the trustees. If the treasurer shall fail to render when required a just and true account of all monies, goods and chattels which may come to his hands by virtue of his office, and also all expenditures for or to the said academy, he shall on such failure be subject to a judgment on motion in any court of record in this commonwealth, and execution may thereupon be awarded in like manner as against sheriffs for the non-payment of public taxes.

Trustees appointed and incorporated.

Their powers and duties.

How many to constitute a board, and how many may dispose of the estate belonging to the academy. Vacancies, how supplied. Treasurer to be appointed.

Mode of proceeding against a delinquent treasurer.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

Commencement of this act.

# CHAPTER XXXIX.

An ACT authorizing the Sale of certain Lots or Parcels of Lands in the Town of Romney, and for other purposes therein mentioned.

[Passed the 27th of December, 1794.]

SECTION I. WHEREAS it is represented, that it is uncertain and unknown to whom many lots or parcels of land in the town of Romney, in the county of Hampshire, legally belong, and in consequence thereof certain improvements which otherwise would be made therein are greatly impeded:

Preamble.

SEC. II. BE it therefore enacted by the General Assembly, That all of the lots or parcels of land lying and being in the said town of Romney, for which the late Lord Fairfax hath made no deeds, shall be, and the same are hereby vested in the trustees of the said town, appointed by an act of Assembly, passed in the year one thousand seven hundred and eighty-nine, intituled, "An act for appointing trustees to the town of Romney, in the county of Hampshire," to be by them or a majority of them valued and conveyed to the several persons who now claim the same by prior right of possession for the value thereof

All the lots for which Lord Fairfax had made no deeds vested in the trustees.

How to be disposed of by them.



without the improvements thereon; in ascertaining which the said trustees or a majority of them shall judge of their value and situation, and the titles derived by any such sales shall be, and are hereby declared to be valid in law.

Purchase money to be paid into the treasury, subject to the claim of the proprietor when he demands it. Same ground rent to be reserved as has been heretofore.

SEC. III. THE monies arising from such sales shall by the said trustees to be paid into the treasury of Virginia, to go in aid of the public tax, and the Executive shall be authorized on application of any person making out a title to the said land, to direct the auditor to issue a warrant, payable out of any money in the treasury to the applicant, he giving bond with approved security, to refund the same to any person who may thereafter produce a better title: *Provided*, That nothing in this act contained shall be construed to affect the right or title of the commonwealth to the said land; and the trustees shall in all cases reserve the same ground rent as stipulated in the deeds heretofore made for lots in said town to the proprietor, his heirs, or assigns, when it shall be known to whom it belongs.

May sell all the lots in the town on 12 months credit.

SEC. IV. THEY may sell and convey all lots laid off within the boundaries of the said town on a credit not exceeding twelve months, and those who claim any such lot or lots by virtue of a prior right, shall be entitled to the same privilege on giving bonds with security.

Vacancy in the trustees, how to be supplied.

SEC. V. IN case of the death or removal of any of the said trustees, the vacancy thereby occasioned shall be supplied by the remaining trustees; and those appointed in the room of such as may die or remove shall be in all cases vested with the same power as the original trustees.

Commencement of this act.

SEC. VI. THIS act shall commence and be in force from the passing thereof.

#### CHAPTER XL.

*An ACT concerning the Town of Fincastle, in the County of Botetourt.*

[Passed the 24th of December, 1794.]

Lots and streets laid off adjoining the town to be added thereto.

SECTION I. **B**E it enacted by the General Assembly, That from and after the passing of this act, the town of Fincastle, in the county of Botetourt, with all the lots and streets which have been laid off around and adjoining to said town, and which are hereby added to and made part of the said town, shall be considered as part of the same in the same manner as if the same had been originally included within the bounds of said town. The inhabitants whereof shall have and enjoy all the rights and privileges of the other inhabitants thereof. And at all times hereafter the said town of Fincastle shall be called and known by the name of "Monroe."

Name changed to Monroe.

Trustees to levy annually money to repair streets and market house. How the same is to be collected and accounted for.

SEC. II. AND the trustees of the said town shall have full power to levy and collect of and from the inhabitants thereof, any sum not exceeding one hundred and thirty-three dollars per annum, for the purposes of keeping the streets and market-house in said town in good order and repair, to be levied on said inhabitants in proportion to their tithables and taxable property, and to appoint a collector, who shall give bond and security payable to the said trustees and their successors, for the faithful performance of his said office, and for paying all monies by him collected by virtue of this act, to the said trustees or their order, to be applied as aforesaid. And the said collector shall within two months after he shall have received the list of taxes due and payable by the inhabitants, collect and pay the same to the trustees or their order. And the said collector shall have like power and authority as is by law given to the sheriff to collect county levies, and shall have a like allowance for collecting the same; and shall be liable in case of failing to pay his collection or any part thereof, to be proceeded against in any court of record in this commonwealth, by motion in a summary way; provided he or they have ten days previous notice thereof.

Power of trustees to remove nuisances and to make rules respecting houses to be built. Penalty for suffering hogs to run at large in said town.

SEC. III. THE said trustees shall have power to remove all nuisances and obstructions within the limits of said town, and to make rules and regulations with respect to buildings hereafter to be erected therein, as to them shall seem expedient.

SEC. IV. IT shall not be lawful for the owner of any lot or house within the said town, to keep any hogs running at large within the same; and if any owner of any house or lot as aforesaid shall herein offend, he shall forfeit and pay twelve cents for each hog so found running at large, to be recovered before any justice of the peace in like manner as other sums under five dollars are recovered by any of the trustees, to be by them applied towards defraying any expense which may necessarily accrue in carrying into execution this act.

Trustees of Fincastle to be trustees of Monroe.

SEC. V. THE trustees to the town of Fincastle shall, and they are hereby declared to be trustees of the town of Monroe, and are hereby vested with the same powers and authority within the limits thereof, as they enjoyed as trustees of the town of Fincastle.

Commencement of this act.

SEC. VI. THIS act shall commence and be in force from and after the passing thereof.



CHAPTER XII.

An ACT for establishing a Town on the Land of Samuel Hyde Saunders, in the County of Powhatan.

[Passed the 21st of December, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That any number of acres of land, not exceeding thirty, the property of Samuel Hyde Saunders, lying on the south side of James river, in the county of Powhatan, shall be, and they are hereby vested in William Moseley, Richard Crump, Vincent Markham, John Seann, Samuel Pleasants, Horatio Turpin, Goodrich Crump, John Harris, junior, Frederick Woodson, James Clarke, and William Bentley, gentlemen, trustees, to be by them or a majority of them laid off into lots of half an acre each with convenient streets, and established a town by the name of "Jefferson."

Town established.

Trustees appointed.

SEC. II. SO soon as the said land shall be laid off into lots, the trustees or a majority of them shall proceed to sell the same at public auction for the best price that can be gotten, the time and place of which sales shall be previously advertised for two months in the Virginia Gazette, and to convey the said lots to the purchasers in fee, subject to the condition of building on each a dwelling-house sixteen feet square at least, with a brick or stone chimney, to be fit for habitation within five years from the day of sale, and pay the money arising from such sales (after deducting all necessary expences of advertising and laying off the said town) to the said Samuel Hyde Saunders, or his legal representatives.

Lots when and how to be sold.

SEC. III. THE trustees, or a majority of them, are hereby empowered to make such rules and orders for the regular building of houses therein, as to them shall seem meet, and to settle and determine all disputes about the bounds of the said lots.

Powers of trustees to make rules as to building the houses.

SEC. IV. SO soon as the purchasers of lots in the said town shall have built thereon according to the conditions of their respective deeds of conveyance, they shall then be entitled to, and have and enjoy all the rights, privileges, and immunities which the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy.

Privileges of owners of lots.

SEC. V. IN case of the death, resignation or removal out of the county of any one or more of the said trustees, the vacancy thereby occasioned shall be supplied by the remaining trustees, or a majority of them; and the trustees so chosen, shall have the same power and authority as if they had been appointed and named in this act.

Vacancy in the trustees how to be filled.

SEC. VI. THIS act shall commence and be in force from and after the passing thereof.

Commencement of this act.

CHAPTER XLII.

An ACT to establish an Academy and incorporate the Trustees thereof in the Town of Petersburg.

[Passed the 24th of December, 1794.]

SECTION I. **W**HEREAS it is the interest of all free governments to facilitate as much as may be, the diffusion of useful knowledge among its inhabitants, and application hath been made to this Assembly, to pass an act to appoint trustees for an academy about to be built in the town of Petersburg, and to incorporate them into a body politic:

Preamble.

SEC. II. BE it therefore enacted, That Joseph Jones, Thomas G. Peachey, Edward Pegram, James S. Gilliam, John Jeffers, Robert Turnbull, the Reverend Andrew Syme, Alexander Frazer, James Cureton, George Ruffin, Benjamin Harrison, William Whitlock, Alexander G. Strachan, Alexander M. Rae, Peterson Goodwyn, and George Keith Taylor, gentlemen, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the "Trustees of the Petersburg academy," and by that name shall have perpetual succession and a common seal.

Trustees.

SEC. III. THE said trustees and their successors by the name aforesaid, shall be capable in law to purchase, receive and hold to them and their successors for ever, any lands, tenements, rents, goods or chattels which shall be given or devised to or purchased by them for the use of the said academy, and to sell and dispose of the same in such manner as to them shall seem most advantageous for the said academy. The said trustees by the name aforesaid, may sue and be sued, implead and be impleaded, in any court of law or equity. They shall have power from time to time to establish such bye-laws, rules and ordinances, not contrary to the laws and constitution of this commonwealth, as they shall judge necessary for the good government of the said academy. Not less than seven of the said trustees shall constitute a board to determine upon any matter relative to the establishment, government or support of the said academy, nor shall any real estate belonging to the said academy be disposed of, unless nine trustees concur in opinion thereon. Upon the death, resignation, or other legal disability of any of the said trustees, the vacancy thereby occasioned shall be supplied by the remaining trustees, or a majority of them. The said trustees shall elect a treasurer, who shall receive all monies accruing to the said academy and property delivered to his care, and pay and deliver the

Their powers.

How many to constitute a board.

May dispose of any estate belonging to the academy. Treasurer to be elected.



His duties.

same to the order of the said trustees; and before he enters on the execution of the duties of his office, shall give bond and security for such sum as the said trustees shall direct, payable to them and their successors, and conditioned for the faithful discharge of the trust reposed in him; and that he will, when required by the said trustees, render to them a true account of all monies, goods and chattels received by him on account of, and for the use of the said academy. The treasurer shall receive such salary as may be allowed and fixed by the trustees.

Subscriptions to be received by the trustees for building the academy.

SEC. IV. THE said trustees shall have power to take and receive subscriptions for the purpose of erecting and building the said academy, and any other buildings which they may think necessary thereto; and if any person shall neglect or refuse to pay the money by him subscribed for that purpose, it shall be lawful for the said trustees to recover the same by warrant before a magistrate, where the subscription shall not exceed five dollars, and where it shall exceed that sum, by motion in the court of the county where the delinquent subscriber resides; provided the party has ten days previous notice of such motion.

Mode of proceeding against a delinquent treasurer.

SEC. V. IF the treasurer shall fail to render when thereunto required, a just and true account of all monies, goods and chattels which have come to his hands by virtue of his office, and also of all expenditures relative to the said academy, he shall on such failure be subject to a judgment on motion in any court of record in this commonwealth, and execution may thereupon be awarded in like manner as against sheriffs for the non-payment of public taxes.

Commencement of this act.

SEC. VI. THIS act shall commence in force from the passing thereof.

### CHAPTER XLIII.

#### An ACT for establishing several new Ferries.

[Passed the 19th of December, 1794.]

Ferries established across Cheat, Dan, New, James, Tyger Valley, New, Gaully, Elk, and Kanawha rivers.

SECTION I. **B**E it enacted by the General Assembly, That ferries be constantly kept at the places hereafter mentioned, and at the rates annexed to each ferry, that is to say: From the land of David Miner in the Horse-shoe settlement, across Cheat river to the mouth of Clover run, for a man four cents, and for a horse the same; from the land of George Lumpkin across Dan river, to the land of Thomas Worsham, in the county of Pittsylvania, for a man four cents, and for a horse the same; from the land of George Jones, in the county of Grayson, across New river to the land of James Jones on the opposite shore, for a man four cents, and for a horse the same; from the land of William Cannon, in the county of Buckingham, across James river to the land of Richard Cocke, for a man four cents, and for a horse the same; from the land of Joseph Sommerville, in the county of Monongalia, across Tyger Valley river to the land of John Nixson, for a man four cents, and for a horse the same; from the land of James Addair, in the county of Montgomery, across New river, to the land of James Craig on the opposite shore, for a man five cents, and for a horse the same; from the land of William Morris, in the county of Kanawha, across Gaully river to his land on the opposite shore, for a man five cents, and for a horse the same; from the land of George Clendinen, across Elk river to the land of Andrew Donnally and James Robinson, the price for a man five cents, and for a horse the same; and from the land of the said George Clendinen across Great Kanawha, to the land of Childers, for a man five cents, and for a horse the same.

Rates of ferriage for wheeled carriages, cattle, &c.

SEC. II. THE transportation of the following things shall be at the rates following: For every coach, waggon, chariot and the driver, the same as for six horses; for every four wheeled chaise, phaeton, and driver, the same as for four horses; for every two wheeled riding carriage, the same as for two horses; for every hoghead of tobacco, the same as for one horse; for every head of nett cattle, the same as for one horse; for every sheep, hog, goat or lamb, one fifth part of the ferriage for one horse. If the keeper of any of the said ferries shall demand and take from any person a greater sum for the ferriage than is hereby allowed, such offender shall forfeit to the person so overcharged the ferriage demanded and received, and two dollars for every such offence, recoverable before any justice of the peace of the county.

Commencement of this act.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

### CHAPTER XLIV.

#### An ACT for establishing several Towns.

[Passed the 19th of December, 1794.]

Town established on Fitz-Randolph's land in Harrison.

SECTION I. **B**E it enacted by the General Assembly, That the lots and streets as the same are already laid off on the lands of Samuel Fitz Randolph, in the county of Harrison, shall be, and are hereby established a town, by the name of "New Salem;" and John Patterson, John Davis, Samuel Lippencott, James Davis, Zebulon Maxson, Benjamin Thorp, Thomas Clayton, William Davis, Jacob Davis, George Jackson, and John Haymond, gentlemen, constituted and appointed trustees thereof.

On Evick's land in Pendleton.

SEC. II. THAT forty-six and one half acres of land, as the same are already laid off into lots and streets, the property of Francis Evick, adjoining the courthouse in the county of Pendleton, shall be established a town by the name of "Franklin;" and William M'Coy, James Patterson, Joseph Johnson, John Roberts, Joseph Arbaugh, James Dyer, senior, John Hopkins, Jacob Conrad, Peter Hull, and Oliver M'Coy, gentlemen, constituted trustees thereof.

On Cabell's land in Amherst.

SEC. III. THAT eight acres of land the property of William Cabell, adjoining Tye river warehouse, in the county of Amherst, as the same are already laid off into lots and streets, shall be, and they are hereby established a town by the name of "New-Market;" and Samuel Meredith, William S. Crawford, William Spencer, James Franklin, William Loving, Robert Rives, and Joseph Burrus, gentlemen, are appointed trustees thereof.

On the land conveyed by Frederick Jones to Lee county.

SEC. IV. THAT fifty-five acres of land conveyed by Frederick Jones to the justices of the peace in the county of Lee, and their successors, for the use of the said county, as the same are already laid off into lots and streets, are hereby established a town, by the name of "Jonesville;" and Frederick Jones, William Ewing, Peter Fulkerson, James Campbell, Joseph Blackmore, Nathaniel Hicks, David Chadwell, Daniel Young, Benjamin Shap, and Moses Cotterell, gentlemen, are appointed trustees thereof.

On Stanard's land in Orange.

SEC. V. THAT forty-five acres of land the property of William Stanard, in the county of Orange, as the same are already laid off into lots and streets, shall be, and they are hereby established a town, by the name of "Stanardville;" and James Madison, Zachariah Burnley, William White, May Burton, junior, Robert Miller, James Easley, John Beadles, Thomas Davis, George Argenbright, and Isaac Davis, gentlemen, appointed trustees thereof.



SEC. VI. THAT forty acres of land, the property of George Clendinen, at the mouth of Elk River, in the county of Kanawha, as the same are already laid off into lots and streets, shall be established a town, by the name of "Charlestown;" and Reuben Slaughter, Andrew Donnally, senior, William Clendinen, John Morris, senior, Leonard Morris, George Alderson, Abraham Baker, John Young, and William Morris, gentlemen, appointed trustees thereof.

On Clendinen's land on Elk river in Kanawha.

SEC. VII. THAT two hundred acres of land, the property of Thomas Lewis, at the mouth of Kanawha river, in the said county of Kanawha, as they are already laid off into lots and streets, shall be established a town, by the name of "Point Pleasant;" and Leonard Cooper, John Vanbibber, Isaac Tyler, William Owens, William Allyn, Allyn Prior, John Reynolds, George Clendinea, and William Morris, gentlemen, appointed trustees thereof.

On Lewis's land on Kanawha river in Kanawha.

SEC. VIII. THAT sixty acres of land, the property of Peter Senseney, in the county of Frederick, as the same are already laid off into lots and streets, shall be established a town, by the name of "Middleton;" and Jacob Dannar, John Senseney, Isaac Sitler, Abraham Neill, Adam Heiskell, and Peter Laucke, gentlemen, appointed trustees thereof.

On Senseney's land in Frederick.

SEC. IX. THE trustees of the said towns respectively, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein as to them shall seem best, and to settle and determine all disputes concerning the bounds of the said lots.

Powers of the trustees.

SEC. X. IF the purchaser of any lot in either of the said towns, shall fail to build thereon within the time limited for that purpose by their respective deeds of conveyance, the trustees of the said town may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said town.

Purchasers failing to improve their lots to forfeit them.

SEC. XI. IN case of the death, resignation, or removal out of the county of one or more of the trustees of the said towns respectively, the vacancy thereby occasioned shall be supplied by the remaining trustees or a majority of them; and the person so elected, shall have the same power and authority as if he had been particularly named in this act.

Vacancies in the trustees how to be filled.

SEC. XII. AND be it further enacted, That Worlich Westwood, George Hope, George Wray, Joseph Needham, John Rogers, Charles Jennings, and Thomas Jones, junior, gentlemen, shall be, and they are hereby appointed trustees of the town of Hampton.

Trustees appointed for the town of Hampton.

SEC. XIII. AND be it enacted, That the trustees of the town of Evansham, shall have the same power and authority as the trustees of the town of Fincastle, in the county of Botetourt.

Trustees of Evansham to have the same power as those of Fincastle.

SEC. XIV. THIS act shall commence and be in force from and after the passing thereof.

## CHAPTER XLV.

### An ACT authorizing the cutting of Drains in the County of Accomack.

[ Passed the 23d of December, 1794. ]

SECTION I. WHEREAS it has been represented to the present General Assembly, by the petition of a respectable number of the inhabitants of the county of Accomack, that large quantities of land in the said county, of good quality, are rendered of small value by the retention and stagnation of water thereon; that the inconvenience aforesaid can only be removed by canals and ditches, which must be necessarily conducted through the lands contiguous thereto, and often pertaining to sundry individuals not immediately interested in the advantages to be derived from such improvements; that a license to conduct and perpetuate such canals and ditches on many occasions cannot be procured by reason of the non-age or other legal disability of the proprietors of the contiguous lands, and sometimes may be refused through obstinacy, or a desire to compel those possessing lands improvable by the means aforesaid, to sell the same at an inferior value, and praying that the legislature by its interposition may provide such remedy touching the same as may at once tend to promote the advancement of agriculture within the county aforesaid, and preserve to individuals complete justice:

Preamble.

SEC. II. BE it therefore enacted, That where any person or persons possessing lands within the county aforesaid, shall make application to the court of the said county by petition in writing, setting forth the quantity or quantities of land by him or them possessed, the situation and bounds thereof, and suggesting that the same might be materially improved by a canal or ditch to be conducted therefrom through the lands contiguous thereto, and pertaining to other persons, but that he or they cannot obtain leave to conduct and perpetuate the same, unless by the aid of the law, it shall be lawful for the said court, and they are hereby authorized and required, to appoint three or more fit and able persons, to be sworn before a justice of the peace, to view the ground through which such canal or ditch is proposed to be conducted, and report to them truly and impartially the conveniencies and inconveniencies which will result as well to individuals as to the public, if such canal or ditch shall be opened and established.

How persons owning sunken lands in Accomack may obtain leave to cut ditches through the adjoining lands for draining the same. Viewers to be appointed.

SEC. III. UPON the return of the said viewers, if the said court shall be of opinion that the canal or ditch applied for, will be of more material advantage to the petitioner or petitioners, than of disadvantage to those through whose lands the same is proposed to be conducted, or the public, the said court shall order summonses to be issued to the proprietors and tenants of the lands through which the same is proposed to be conducted, if they be found within the county, and if not, then to their agents therein if any they have, to shew cause why such canal or ditch should not be opened and established; upon the return of which summonses, if good cause be not shewn to the contrary, the said court shall order their clerk to issue a writ in the nature of a writ of *ad quod damnum*, to be directed to the sheriff of the county aforesaid, commanding him to summon and impanel twelve able and discreet freeholders of the vicinage, no ways related to any party, to meet at some certain place on or near the ground through which the said canal or ditch is proposed to be conducted, and on a certain day to be named by the said court and inserted in the said writ, of which notice shall be given by the said sheriff to the said proprietors or tenants, or their agents, as before directed, if they were not present in court at the time of the order made; which freeholders, taking nothing either of meat or drink from any person whatever from the time they shall come to the said place until their inquest is sealed, shall be charged by the said sheriff impartially and to the best of their skill and judgment, to view the lands through which the said canal or ditch is proposed to be conducted, and say to what damage it will be of to the several and respective proprietors and tenants thereof, taking into estimation as well the use of the lands which will be withdrawn from the proprietors and tenants by the said canal or ditch, and the banks thereof, as also other additional inconveniencies by reason thereof; and if the said inquest cannot be completed in one day, the said sheriff shall adjourn the said jurors from day to day until the same be completed.

Parties owning the adjoining lands to be summoned.

Writ of *ad quod damnum*.

Jury to ascertain the damages.



- Court to determine whether the canal or ditch shall be opened. Petitioner's right on paying the value of the lands to the proprietor.
- Rule respecting costs.
- Right of soil in the original proprietor.
- Penalty for filling up any such canal or ditch.
- Bridges to be kept by the petitioners over the canals where they cross public roads.
- Petitions, reports, inquests, &c. to be entered of record at large. Com. of this act.
- SEC. IV. WHICH inquest, sealed by the said jurors, together with the writ, shall be returned to the said court, who thereupon, as well as upon other evidence, shall proceed to consider whether, all circumstances weighed, it be better that the said canal or ditch shall be opened and established; and if they be of opinion that the same shall be opened and established, the said petitioner or petitioners shall, upon paying respectively to the several parties entitled, the value of the lands which will be taken up by the said canal or ditch, and the banks thereof, and of all other additional inconveniences by reason thereof, obtain from the said court a license to open and establish the same; and the said proprietors and tenants, and their representatives possessing the same lands to be drained by the means aforesaid, shall in all after time be entitled to continue and preserve the said canal or ditch for the purpose of draining the said lands.
- SEC. V. AND if the court shall be of opinion that a canal or ditch petitioned for as aforesaid ought not to be opened and established, they shall allow to the defendant or defendants against such petition his or their full costs; but if the same shall be opened and established, no costs shall be recovered against any defendant by reason of his having contested the same.
- SEC. VI. PROVIDED however, That the right of soil in the lands through and upon which the said canal or ditch shall be conducted, shall be construed to be and remain in the original proprietor or proprietors, and his or their representatives respectively possessing the same, to all purposes, save only those of filling up or otherwise obstructing the passage of water through the said canal or ditch, and restraining the petitioner or petitioners, and their representatives possessing the lands to be drained, from coming upon the said lands and opening and continuing the said canal or ditch from time to time as may be necessary, doing as little harm as may be.
- SEC. VII. AND if any person without due authority therefor, shall fill up or obstruct a canal or ditch opened and established by virtue of a license to be obtained as aforesaid, he shall be deemed guilty of a private nuisance, and be liable to the action of the party or parties grieved, and if he be convicted thereof, shall be liable to full costs of suit.
- SEC. VIII. PROVIDED also, That if any canal or ditch to be opened and established as aforesaid, shall in its course be conducted across any public road, it shall be the duty of the petitioner or petitioners, and his or their representatives possessing the lands to be drained by means thereof, in all future time to make and keep in constant good repair, a sufficient bridge twelve feet wide at least across the said canal or ditch where the same may intersect any public road; and in case of default therein, they shall be deemed guilty of a public nuisance, and the surveyor of the said road in such case shall have full power to fill up the said canal or ditch at the said road, and to level the same with the surface of the adjoining ground.
- SEC. IX. AND be it further enacted, That all petitions, reports, inquests, and orders made under this act, and documents exhibited in the said court relative thereto, shall be entered at large by the clerk of the said court amongst the records thereof.
- SEC. X. THIS act shall commence and be in force from and after the last day of March next.

#### CHAPTER XLVI.

An ACT to compel the Proprietor of the Salt Springs in the County of Washington to inclose the same.

[Passed the 10th of December, 1794.]

- Preamble.
- SECTION I. WHEREAS it is represented by the inhabitants of the county of Washington, that great numbers of their cattle are enticed to the Salt Springs in the said county to lick the brine and salt, which many of them take to such an excess as to occasion immediate death: For remedy whereof,
- SEC. II. BE it enacted, That the owner or proprietors of the said Salt Springs, or tenant or tenants occupying the same, shall, and he or they are hereby directed and required, on or before the first day of April next, to inclose the said Springs, together with the salt works, which now are or hereafter may be worked, with a lawful fence, to prevent cattle from getting to any brine or salt produced from the same.
- SEC. III. IF the owner or proprietors of the said Springs, or tenant or tenants occupying the same, shall neglect to make such inclosures within the time limited for that purpose, he or they shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt founded on this act in any court of record in this commonwealth, by any person who shall sue for the same.
- SEC. IV. IF the owner or proprietors of the said Springs and works, or tenant or tenants occupying the same, shall, after the same is inclosed pursuant to the directions of this act, neglect or fail to keep the same thereafter so inclosed, he or they shall for every twenty four hours such failure may happen, forfeit and pay the sum of six dollars, to be recovered by summons and petition in any court of record in this commonwealth with costs, to the use of the person suing for the same; and the owner or proprietors, or tenant or tenants in occupation of said springs and works, shall moreover be liable to the action of the party grieved for the value of any cow or cattle lost from and after the said first day of April, and whose death was occasioned by licking brine or salt at the said Springs.
- SEC. V. THIS act shall commence and be in force from and after the passing thereof.
- Com. of this act.

#### CHAPTER XLVII.

An ACT for the Relief of the People of Grayson County, and appointing Commissioners to give them Settlement and Pre-emption Rights.

[Passed the 24th of December, 1794.]

- Preamble.
- SECTION I. WHEREAS it is represented to the present General Assembly, that under the former government an order of Council was granted to Peter Jefferson and Company, for one hundred thousand acres of land on the western waters, which said order of Council was surveyed by the late Thomas Walker, deceased, an agent for the Company, and now lies in the county of Grayson; and as many of the inhabitants of said county were encouraged by the terms of sale, publicly advertised by the said Walker, to settle on those lands, on which they have made valuable improvements, and as the claim of the Company aforesaid, was never confirmed by the court of appeals agreeable to an act of assembly, intituled, "An act for adjusting and settling the titles of claimers to unpatented lands under the present and former government, previous to the establishment of the commonwealth's land-office;" And as it is just and reasonable that those who have settled under such circumstances should have a reasonable allowance for the risk and



charges they have incurred, as also for the improvements they have made, and that the property so acquired should be secured to them:

SEC. II. *BE it therefore enacted*, That all persons, or his, her, or their assignees, who at any time before the first day of January, one thousand seven hundred and seventy-eight, have really and *bona fide* settled themselves, or their families on any part of the lands surveyed for the company aforesaid, and to which no other person has legally acquired a grant by the rules and regulations prescribed by law, shall be allowed four hundred acres of land, or such smaller quantity as he chooses to include his settlement. And if any such settler desires to take a quantity greater than is hereby allowed, they and each of them shall be entitled to the pre-emption of any quantity adjoining his settlement right, not exceeding one thousand acres.

Who shall be entitled to settlement and pre-emption rights on the lands granted to Peter Jefferson & Co.

SEC. III. *BE it further enacted*, That Daniel Trigg, Andrew Lewis, and Robert Sawyers, gentlemen, be, and they are hereby constituted and appointed commissioners to carry this act into execution, that they shall meet at the courthouse of said county on the first day of February next, or as soon after as may be convenient; they shall have power to appoint a clerk and administer his oath of office; they shall be attended by the sheriff or deputy-sheriff of the county, be empowered to administer oaths to witnesses or others necessary to the discharge of their office. The clerk shall keep exact minutes of all the proceedings of the commissioners, and enter the names of all persons to whom either settlement or pre-emption rights shall be given, as the case is, with the respective quantities and locations. The said commissioners shall deliver to every person to whom they shall adjudge lands for settlement and pre-emption rights, a certificate thereof, under their hands and seals, and attested by the clerk, mentioning the number of acres and the time of settlement, and describing as near as may be the particular location, noting also therein the quantity of adjacent land to which such person or persons shall have the pre-emption.

Commissioners appointed to carry this act into effect. When and where they are to meet. Their powers, duties, &c.

SEC. IV. *AND be it further enacted*, That for every hundred acres of land contained in such certificate, the party receiving the same shall pay down to the commissioners two dollars, besides a fee of fifty cents for each certificate so granted. And each person to whom a certificate is granted, shall be entitled to a location and survey to be made by the surveyor of the county. Every person or persons to whom a certificate is granted, shall enter and survey the land he is entitled to within six months after the date thereof, which said survey shall be returned to the Register's office within three months after the date of his survey, and on which a grant shall issue under the same rules and regulations as is prescribed by the general land law.

Party obtaining a certificate for 100 acres, to pay down 2 dollars and a fee to the commissioners of 50 cents. To survey the land within six months. Commissioners to send to the executive a list of the certificates, and a duplicate thereof to the county surveyor. Their allowance. To account for the money they receive. Grants to express that they are intitled under this act. Com. of this act.

SEC. V. *AND* to prevent frauds or mistakes, the said commissioners immediately after having completed the business in the county aforesaid, shall transmit to the Register of the land-office under their hands and seals, and attested by the clerk, an exact list or schedule in alphabetical order of all such certificates by them granted, and a duplicate so signed and attested to the county surveyor for his information.

SEC. VI. THE said commissioners for every day they shall be employed in the execution of their office, shall receive two dollars.

SEC. VII. THEY shall be accountable for all money they shall receive upon issuing certificates as aforesaid, and shall settle a fair account upon oath with the auditor, and pay to the treasurer the balance in their hands after deducting their own and the clerk's allowance.

SEC. VIII. *AND* when the register shall make out any grant to any person or persons due to him, her, or them by virtue of this act, he shall recite therein as the consideration that they are entitled under this act.

SEC. IX. THIS act shall commence and be in force, from and after the passing thereof.

## CHAPTER XLVIII.

### An ACT for improving the Navigation of Slate River.

[Passed the 18th of December, 1794.]

SECTION. I. *WHEREAS* it is represented, that the clearing, improving and extending the navigation of Slate river, in the county of Buckingham, will be of public utility:

Preamble.

SEC. II. *BE it enacted*, That Valentine Scruggs, Boaz Ford, Isaac Sallee, Nathan Ayrs, John Moseley, Edmund Glover, Arthur Moseley, Samuel Allen, and Thomas Moseley, gentlemen, shall be, and they are hereby constituted and appointed trustees for clearing and extending the navigation of the said Slate river, from the mouth thereof as far as the courthouse of the said county, and for that purpose they are authorized to take and receive subscriptions. If any person shall neglect to pay the money subscribed for the purposes of this act, it shall be lawful for the said trustees to recover the same in the name of the trustees for the time being, by warrant before a single magistrate where the subscription doth not exceed five dollars, and where it exceeds that sum by motion in the court of the county where the subscriber or subscribers reside, on giving the party ten days previous notice of every such motion.

Trustees appointed.

To receive subscriptions. Subscriptions how recoverable.

SEC. III. THE said trustees or a majority of them shall have power to contract and agree with any person or persons for clearing and improving the navigation of the said river, in such manner as they or a majority of them shall judge most proper; and to remove all obstructions to the navigation of the said river. The said trustees or a majority of them shall have power to appoint one or more persons to receive all monies subscribed by virtue of this act, and the person or persons so appointed, shall in the court of the said county of Buckingham, give bond with sufficient security in a reasonable penalty, payable to the said trustees and their successors for the time being, with condition that he or they, his or their heirs, executors or administrators, shall and will at all times when required, truly and faithfully account for all such sums of money as shall come to his or their hands for the purposes of this act, and pay the same to such person or persons as the said trustees or a majority of them shall order and direct. If the receiver or receivers shall neglect or refuse to pay the money as ordered or directed by the said trustees, or so much thereof as shall come to his or their hands, the party entitled to receive the same by virtue of such order, shall and may recover the money in like manner as is herein directed and prescribed in the case of persons refusing or neglecting to pay their subscriptions.

Powers and duties of the trustees. To appoint receivers.

Mode of proceeding against them if they fail to pay the money received by them. Owners of mills on the river to erect locks and slopes for the passage of boats and fish.

SEC. IV. *AND be it enacted*, That the owners of mills on the said river and every of them, shall within eighteen months after the passing of this act, unless otherwise directed by the trustees, erect a sufficient lock or locks and slope at each mill for the passage of batteaus of four tons burthen, and also for the passage of fish, and thereafter keep the same in good repair; and if such owners or any of them shall neglect to erect such sufficient locks and slopes within the said eighteen months, the mill or mills so as aforesaid defi-



cient, are hereby declared nuisances, and may be thrown down and destroyed; and in case any owner of a mill on the said river shall fail to keep any lock or slope so erected in good and sufficient repair, or shall fail to cause due attendance to be given thereat for the reasonable dispatch of vessels navigating the said river, he or they so offending, shall forfeit and pay the sum of five hundred dollars for every such failure, to be recovered in the name of the said trustees, by action of debt or information in the court of the county where the owner or proprietor resides.

Penalty for felling a tree into the river.

SEC. V. IF any person shall fell a tree in the said river, or fix any hedge, or stop, or place other obstructions therein, he or they so offending shall forfeit and pay the sum of twenty-five dollars for every twenty four hours such obstruction shall remain, to be recovered as aforesaid. All penalties and forfeitures imposed by this act, shall be and enure to the use of the said trustees, to be by them applied towards keeping open and improving the navigation thereof.

Vacancy in the trustees how to be supplied.

SEC. VI. IN case of the death, resignation, or other disability of any of the said trustees, it shall be lawful for the remaining trustees or a majority of them to supply the vacancy: Saving to the owners of mills their legal rights which are not intended hereby to be confirmed or impaired.

Commencement of this act.

SEC. VII. THIS act shall commence in force from the passing thereof.

## CHAPTER XLIX.

### An ACT to authorise the building of Iron-Works on the West Fork of Monongalia River.

[Passed the 1st of December, 1794.]

Any person authorised to erect dams across the river for the purpose of building Iron Works.

SECTION I. **B**E it enacted by the General Assembly, That it shall and may be lawful for any person or persons to erect one or more dams across the west fork of Monongalia river, for the purpose of building iron-works thereon: *Provided always*, that every such dam shall not exceed three feet in height, and be so constructed as to admit the easy passage of fish over or through the same, and flat bottom boats of any burthen, fifteen feet wide to go down the said river through the said dam.

Slopes to be constructed for the passage of boats and fish.

SEC. II. *AND be it further enacted*, That every such dam so erected, shall have a good and sufficient slope made and erected at one end thereof, so that keel bottom boats of two tons burthen may be towed through the same up or down the said West Fork river; which dam or dams, slope or slopes, so erected and completed, shall be judged and approved of by a majority of the trustees appointed by the act of Assembly passed the last session, intituled, "An act for clearing and extending the navigation of the Monongalia and West Fork rivers;" *And provided also*, that such dams and iron-works be completed within three years from the passing of this act.

Repealing clause

SEC. III. SO much of the said recited act as comes within the meaning of this act is hereby repealed.

Commencement of this act.

SEC. IV. THIS act shall commence and be in force from and after the passing thereof.

## CHAPTER L.

### An ACT giving further time for opening the Navigation of Patowmack River above Tide Water.

[Passed the 12th of December, 1794.]

**W**HEREAS the several periods of time prescribed by different acts of Assembly for extending the navigation of Patowmack river will shortly expire, *Be it enacted*, That the further time of two years from the first day of January next, shall be allowed for completing the said navigation; any law to the contrary notwithstanding.

## CHAPTER LI.

### An ACT concerning the clearing of the North Fork of James River.

[Passed the 22d of December, 1794.]

Trustees appointed to receive subscriptions for clearing the river.

SECTION I. **B**E it enacted by the General Assembly, That Isaac Davis, junior, Baziel Brown, Thomas Bell, William Woods, William Michie, Isaac Miller, Joshua Kay, Thomas Garth, James Lewis, Wilson Cary Nicholas, and Edward Moore, gentlemen, shall be, and they are hereby constituted and appointed commissioners for taking and receiving subscriptions for the purpose of clearing, improving and extending the navigation of the Rivanna or north fork of James river, as far as may be judged practicable, so as to have a sufficient depth and width of water to navigate boats, batteaus or canoes, capable of carrying six hogheads of tobacco.

Subscribers to meet and choose directors.

SEC. II. SO soon as a sufficient sum in the opinion of the commissioners shall be subscribed to compleat the work, they shall advertise the same at Charlottesville, and request a meeting of the subscribers at that place four weeks at least previous to the day appointed for that purpose; and the subscribers present at such meeting, or a majority of them, shall proceed to choose five directors, who, or a majority of them, shall have power from time to time to appoint a person to be receiver of all money subscribed by virtue of this act, who shall give bond with sufficient security in the penalty of fifteen hundred pounds, in the court of the county where he resides, payable to the said directors, or the survivors or survivor of them, with condition that he or his heirs, executors or administrators, at all times when required, will truly and faithfully account for all sums of money that shall come to his or their hands for the purposes of this act, and pay the same to such person or persons as the said directors, or a majority of them, shall order and direct.

Receiver to be appointed.

Subscriptions when to be paid. How to be recovered.

SEC. III. THE said directors, and their successors, or a majority of them, shall have full power and authority, as money shall be wanted, to make and sign orders for that purpose, and direct at what time and in what proportion the subscribers shall advance and pay off the sums by them subscribed. If any person neglects or refuses to pay the money by him subscribed for the purposes of this act, it shall be lawful for the said directors, or the survivors or survivor of them, to recover the same by warrant before a magistrate, where the subscription doth not exceed five dollars, and where it exceeds that sum, by motion in the court of the county where the person resides; provided he has ten days previous notice of such motion.

Directors to view the river and contract for clearing it. Subscribers may vote by proxy for directors.

SEC. IV. THE said directors, or a majority of them, shall as soon as may be, proceed to view the said river, and ascertain as nearly as they can the highest part capable of navigation according to this act, and to contract and agree with any person or persons for clearing and improving the navigation of the said river in such manner as they shall judge proper.

SEC. V. THE subscribers may vote either in person or by proxy for the said five directors.



SEC. VI. IN case of the death, removal, resignation or incapacity of any of the said directors, it shall be lawful for the subscribers, or a majority of them, to elect other person or persons in the room of him or them so dying, removing or resigning; of the time and place for making such election, previous notice shall be given by advertisement at the Courthouse in the town of Charlottesville, on two successive court days. If a majority of the subscribers shall fail to attend on the day appointed for electing a director or directors, the vacancy shall be supplied by those who do attend.

SEC. VII. SAVING unto the representatives or assigns of Bennet Henderson, all the legal right now vested in them, or any of them, to continue and keep up the mill-dam erected by the said Benner Henderson across the north branch of James river, which right is not intended to be impaired or confirmed by anything in this act.

SEC. VIII. AND provided, The directors to be appointed shall commence their operations for the clearing and improving the navigation of the said river, at the part which shall be ascertained by them to be the highest point capable of navigation.

SEC. IX. SO much of the act passed in the year one thousand seven hundred and sixty four, intituled, "An act for clearing the great falls of James river, the river Chickabominy, and the north fork of James river," as comes within the intent and meaning of this act, is hereby repealed.

SEC. X. THIS act shall commence and be in force from and after the passing thereof.

## CHAPTER LII.

### An ACT concerning Thomas Harvey and others.

[Passed the 2d of December, 1794.]

SECTION I. WHEREAS it has been represented to the present General Assembly, that a murder was committed in the county of Charlotte, some time in the month of \_\_\_\_\_ last, by a certain John Ford, who forthwith fled for the same, and that Thomas Harvey, Charles Reine, William North, Major Parsons, and William Harvey, pursued, and on the confines of the state of Georgia, apprehended the said John Ford, who was thereon indicted in the court of the district of Prince Edward, tried and found guilty of the offence, and it is just and reasonable that the exertions of individuals in supporting the peace and order of the community when so daringly violated, should not in instances like the present go unrewarded:

SEC. II. BE it therefore enacted by the General Assembly, That there be allowed by the public for apprehending, securing and bringing to trial the criminal aforesaid, the sum of two hundred dollars.

SEC. III. AND be it further enacted, That the said sum of two hundred dollars be equally divided among the said Thomas Harvey, Charles Reine, William North, Major Parsons, and William Harvey; and the Auditor of public accounts, on application to him made either in person or by attorney, shall, and he is hereby directed to issue to the said Thomas Harvey, Charles Reine, William North, Major Parsons, and William Harvey, a warrant for their respective proportions thereof accordingly.

SEC. IV. THIS act shall commence and be in force from and after the passing thereof.

## CHAPTER LIII.

### An ACT concerning Lucy Armistead.

[Passed the 20th of December, 1794.]

SECTION I. BE it enacted by the General Assembly, That the auditor of public accounts shall, and he is hereby directed, on proper application to him made, to issue to Lucy Armistead, administratrix of John Armistead, deceased, a warrant for the sum of forty-seven pounds, for a horse impressed into the service of this commonwealth during the late war, the property of the decedent, and valued by the court of the county of Caroline, where the said impressment was made, to that sum. And be it further enacted by the General Assembly, That the auditor of public accounts shall in like manner issue to the said Lucy Armistead, a warrant for the value of seven hundred and seventy-five pounds of beef, taken and appropriated to the use of the public at the same period, estimating the said beef at the rate per hundred heretofore allowed by law.

SEC. II. PROVIDED always, That the said Lucy Armistead shall previously enter into bond and security in such manner as the Executive shall require, conditioned for the indemnity of this state and of the United States, against any future application for payment of said claim.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

## CHAPTER LIV.

### An ACT for placing James Robinson on the List of Pensioners, and for other Purposes.

[Passed the 22d of December, 1794.]

SECTION I. BE it enacted by the General Assembly, That James Robinson, of the county of Bath, who received a shot through the head at the battle of Point Pleasant, in the year one thousand seven hundred and seventy-four, which has disabled him from gaining a support by labour, shall be placed on the list of pensioners, and be allowed the sum of ten pounds per year.

SEC. II. AND be it further enacted, That the auditor of public accounts, on application to him made, either in person or by attorney, shall issue to the widow of Thomas Herbert, a warrant for the sum of twenty-five pounds, and to the said James Robinson, a warrant for the sum of fifteen pounds, for their immediate relief, which warrants so issued shall be dischargeable in like manner with other pension warrants.

SEC. III. THIS act shall commence and be in force, from and after the passage thereof.

## CHAPTER LV.

### An ACT concerning John Taylor, Executor of Thomas Williamson, deceased.

[Passed the 25th of December, 1794.]

SECTION I. BE it enacted by the General Assembly, That the Auditor of public accounts, on application to him made in person or by attorney, shall, and he is hereby authorised and required, to issue to John Taylor, executor of Thomas Williamson, deceased, a warrant on the treasurer in payment of

Vacancy in the directors how to be filled.

Saving the right of Bennet Henderson's representatives to his mill-dam across the river.

Where the directors are to begin their operations for clearing the river.

Part of an act of 1764 repealed.

Commencement of this act.

Preamble.

A sum of money allowed to the apprehenders of John Ford, a murderer.

Commencement of this act.

Warrants to be issued to Lucy Armistead, administratrix of John Armistead, for a horse impressed, and for a quantity of beef furnished for the public use. Proviso.

Commencement of this act.

James Robinson placed on the list of pensioners. Certain sums granted to the widow of Thomas Herbert, and to James Robinson, for their immediate relief. Com. of this act.

Warrant to be issued to John Taylor, executor



of Thomas Wil-  
liamson.

eighty-seven barrels of corn borrowed of the decedent in the year one thousand seven hundred and eighty-one, by a special order of the Executive to that effect; estimating the said corn at the rate per barrel heretofore allowed by law.

Commencement  
of this act.

SEC. II. THIS act shall commence in force from the passage thereof.

### CHAPTER LVI.

*An ACT for suspending the proceedings on a certain forthcoming Bond, entered into by Ciceley Anderson, Administratrix of William Anderson, deceased.*

[Passed the 24th of December, 1794.]

Proceedings on  
her forthcoming  
bond to the pub-  
lic to be sus-  
pended for one  
year.

SECTION I. **B**E it enacted by the General Assembly, That all further proceedings on a bond entered into by Ciceley Anderson, as administratrix of William Anderson, deceased, by virtue of an act of Assembly, passed in the year one thousand seven hundred and ninety-two, intituled, "An act for suspending certain executions," for the forthcoming of certain property belonging to the estate of her late husband, taken to discharge the arrears of taxes due from him as sheriff of the county of Hanover, for the years one thousand seven hundred and eighty nine, and one thousand seven hundred and ninety, shall be, and are hereby suspended for the term of one year from the passing of this act.

Commencement  
of this act.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

### CHAPTER LVII.

*An ACT concerning Sarah Tool and Dorothy Tanner.*

[Passed the 18th of December, 1794.]

Pensions allow-  
ed to Sarah Tool,

SECTION I. **B**E it enacted by the General Assembly, That Sarah Tool, widow of Richard Tool, (who during the late war enlisted as a gunner on board of the Henry Galley belonging to this commonwealth, and died in the service thereof) shall be placed on the list of pensioners, and allowed the sum of eight pounds per year.

And Dorothy  
Tanner.

SEC. II. **AND** be it further enacted, That Dorothy Tanner, the widow of Jacob Tanner, a soldier, who was in the service of this state during the late war, and died in the same, shall be placed on the list of pensioners, and allowed the sum of eight pounds a year.

Certain sums  
granted to them  
for their imme-  
diate relief.

SEC. III. **AND** be it further enacted, That the auditor of public accounts shall, and he is hereby au-  
thorised and required, on application to him made, to issue to the said Sarah Tool and Dorothy Tanner, a warrant on the treasurer for the sum of twelve pounds each for their immediate relief.

Commencement  
of this act.

SEC. IV. THIS act shall commence and be in force from and after the passing thereof.

### CHAPTER LVIII.

*An ACT concerning Charles Connor.*

[Passed the 17th of December, 1794.]

Damages paid by  
him on certain  
judgments ob-  
tained by the  
commonwealth  
to be refunded  
to him.  
Commencement  
of this act.

SECTION I. **B**E it enacted by the General Assembly, That the damages and interest thereon upon the amount of the judgments obtained against Charles Connor, late sheriff of the county of Norfolk, for the taxes due in the years one thousand seven hundred and eighty seven, and one thousand seven hundred and eighty eight, shall be repaid to the said Charles Connor by the treasurer in such kind as shall have been paid into the treasury, upon warrant of the auditor of public accounts for that purpose.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

### CHAPTER LIX.

*An ACT for issuing Duplicates of certain Certificates to Nathaniel Dennis and James Wade.*

[Passed the 17th of December, 1794.]

Duplicate of  
certain certi-  
ficates to be issued  
to Nathaniel  
Dennis,  
and to James  
Wade.  
Proviso.

SECTION I. **B**E it enacted by the General Assembly, That the auditor of public accounts shall issue to Nathaniel Dennis, a duplicate of a loan-office certificate, number one thousand eight hundred and forty-one, for funded paper money, in lieu of the original which he hath lost.

SEC. II. **ALSO** to James Wade, a duplicate of a certificate for funded paper money, dated the first day of October, one thousand seven hundred and eighty-two, number two thousand one hundred and ninety-eight, for three pounds two shillings and eight-pence specie, in lieu of the original which he hath lost. *Provided always*, That the said Nathaniel Dennis and James Wade, shall severally previous to obtaining the said duplicates, enter into bond, with security to be approved by the Executive, to indemnify this commonwealth.

### CHAPTER LX.

*An ACT appointing additional Trustees to convey to Ignatius Perry a Tract of Land therein mentioned.*

[Passed the 17th of December, 1794.]

Preamble.

SECTION I. **W**HEREAS by an act of Assembly, passed in the year one thousand seven hundred and sixty-six, intituled, "An act to vest certain lands therein mentioned, whereof George Carter, Esquire, died seized in fee simple, in certain trustees therein named, to be sold for performance of his will," The Honorable Robert Burwell, Esq; George Washington, and Fielding Lewis, Esqrs; or any two of them, were appointed trustees, as well for the purpose of selling such of the lands of the said George Carter, deceased, which remained unsold by the trustees first appointed for that purpose, as for conveying and securing to the several persons who had purchased of them and obtained no titles, or who should under the act now in recital purchase lands of the last mentioned trustees, fee simple estates therein. And whereas it hath been represented that under the act aforesaid, a certain George Noble, became the purchaser of a tract of land lying in the county of Frederick, containing about four hundred and four acres, for which he has not yet obtained a deed, two of the trustees appointed by the above recited act, to wit, Robert Burwell and Fielding Lewis, Esquires, having departed this life without making such conveyance, and that the said George Noble hath sold the said land to a certain Ignatius Perry of the said county of Frederick:

Trustees ap-  
pointed to con-  
vey a tract of

SEC. II. **BE** it enacted, That John Sherman Woodcock, and Cornelius Baldwin, Esquires, be, and they are hereby appointed trustees, with the said George Washington, Esquire, who, or any two of them, shall have full power to convey to the said Ignatius Perry, his heirs, executors, administrators and assigns, in



fee simple, the tract of land aforesaid, with its appurtenances, and such conveyance so made shall be good and valid in law; any thing to the contrary notwithstanding.

SEC. III. SAVING however to all and every person or persons, bodies politic and corporate, their heirs and successors, other than the commonwealth and the heirs of the aforesaid George Carter, and the persons claiming under his will, all such right, title, or interest which he or they might or would have had in or to the aforesaid land or any part thereof if this act had not been made.

SEC. IV. THIS act shall commence and be in force from and after the passing thereof.

#### CHAPTER LXI.

*An ACT directing the Auditor of Public Accounts to issue to James Ramsay a Duplicate of a Military Certificate.*

[Passed the 19th of December, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That the auditor of public accounts be, and he is hereby directed, to issue to James Ramsay, a duplicate of a military certificate, granted in the name of Joshua Harris the twenty-fourth day of August, one thousand seven hundred and eighty-four for thirty pounds; provided that the said James Ramsay shall previous to obtaining the same enter into bond with sufficient security, to be approved of by the Executive, to indemnify this commonwealth and the United States.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

#### CHAPTER LXII.

*An ACT directing the Auditor to issue Warrants in Payment of the losses sustained by the burning of Rocky Ridge Warehouse.*

[Passed the 24th of December, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That the auditor of public accounts on proper application to him made, shall issue to the several persons entitled thereto, warrants for the amount of their respective claims for tobacco destroyed by the burning of the Rocky Ridge warehouse, in the month of January, one thousand seven hundred and ninety-three, pursuant to the report thereof made by the commissioners appointed to enquire into and ascertain the same.

SEC. II. HE shall in like manner issue to the said commissioners a warrant for the sum of four pounds five shillings, expended by them in conducting the said enquiry.

SEC. III. AND be it further enacted, That the several warrants issued in conformity to the directions of this act, shall be made payable out of the money arising from duties on tobacco exported.

SEC. IV. THIS act shall commence and be in force from and after the passage thereof.

#### CHAPTER LXIII.

*An ACT vesting in the Heirs of William Pittman, deceased, a certain Tract of Land therein mentioned.*

[Passed the 12th of December, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That all the right, title, and interest which the commonwealth hath in or to a certain tract of land lying in the county of King George, which hath escheated to the said commonwealth, as the property of a certain William Pittman, who was condemned and executed for the crime of murder, shall be, and the same is hereby vested in John Pittman, Ann Pittman, Mary Pittman, and William Pittman, children and heirs of the said William Pittman, deceased, to be by them held and enjoyed in the same manner as if it had legally descended to them.

SEC. II. SAVING however to all and every person or persons, body politic and corporate, other than the commonwealth, any right, title, or interest which he or they might or would have had in or to the said land, or any part thereof if this act had never been made.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

#### CHAPTER LXIV.

*An ACT vesting in the Widow and Heirs of James Dixon, deceased, a tract of Land whereof John Richmond, died seized.*

[Passed the 12th of December, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That all the right, title, and interest which the commonwealth hath, or may have in or to a certain tract of land lying in the county of Louisa, which hath escheated to the said commonwealth, as the property of a certain John Richmond, who died seized thereof, intestate and without lawful heirs, shall be, and the same is hereby vested in Lucy Dixon, widow and relict of James Dixon, deceased, who was the natural and reputed son of the aforesaid John Richmond, deceased, and in Sarah, John, Nancy, and Patsey, children and heirs of the said James, to be by them held and enjoyed in the same manner as if it had legally descended to them.

SEC. II. SAVING however to all and every person or persons, body politic or corporate (other than the commonwealth) any right, title, or interest which he or they might or would have had in or to the said land or any part thereof if this act had never been made.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

#### CHAPTER LXV.

*An ACT concerning William Gray, and others.*

[Passed the 11th of December, 1794.]

SECTION I. **B**E it enacted by the General Assembly, That the auditor of public accounts be empowered, and he is hereby required to issue unto William Gray, Thomas Sims, Joseph Dulany, Anthony Dulany, Joshua Bartley, Jonathan Sims, Francis Gray, Lewis Davis Yancey, William Rois, Armistead Long, John Brown, Daniel Long, John Weatherall, George Hening, Samuel B. Green, Christopher Chewning, Daniel Coaghill, and James Camp, who severally enlisted into the first regiment of ca-

land to Ignatius Perry.

Saving the rights of others.

Commencement of this act.

Duplicate of a military certificate to be issued to James Ramsay.

Com. of this act.

Warrants to be issued to owners of tobacco burnt at Rocky Ridge,

and to the commissioners for their expenses.

Payable out of the duties on tobacco exported.

Com. of this act.

Interest of the commonwealth in a certain tract of land vested in the heirs of William Pittman, deceased.

Saving the rights of others.

Com. of this act.

Interest of this commonwealth in certain lands vested in the widow and children of James Dixon, deceased.

Saving the rights of others.

Com. of this act.

Warrants to be issued to William Gray and others for certain sums of money;



with interest  
thereon.

Com. of this act.

valry in December, one thousand seven hundred and seventy eight, and January, one thousand seven hundred and seventy nine, under captain Robert Yancey, and were promised a bounty of four hundred dollars each, a warrant on the treasury for the sum of fifty seven dollars and fourteen cents, each (that being the value of the said bounty, according to the scale of depreciation) with interest thereon, to be computed from the month of January, one thousand seven hundred and seventy nine, after the rate of *five per centum per annum*.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

#### CHAPTER LXVI.

*An ACT concerning Alexander Madill.*

[Passed the 22d of December, 1794.]

Duplicate of a  
certain certifi-  
cate to be issued  
to him.  
Proviso.

SECTION I. **B**E it enacted by the General Assembly, That the auditor of public accounts shall, and he is hereby authorized and required, on proper application, to issue to Alexander Madill, a duplicate of a certificate for paper money funded, originally issued for the benefit of the estate of a certain William Bynam, numbered two hundred and six, and amounting by the scale of depreciation to the sum of eight pounds twelve shillings, in lieu of the original which he hath lost. *Provided nevertheless*, That the said Alexander Madill, previous to obtaining the same, shall enter into bond with sufficient security to indemnify the commonwealth.

Com. of this act.

SEC. II. THIS act shall commence and be in force from and after the passage thereof.

#### CHAPTER LXVII.

*An ACT concerning James Osborne and others.*

[Passed the 12th of December, 1794.]

Preamble.

SECTION I. **W**HEREAS it has been represented to the General Assembly, that some time in the years, one thousand seven hundred and ninety, and one thousand seven hundred and ninety-one, the commanding officer of the county of Russell, in virtue of authority from the Executive of this commonwealth for that purpose, ordered out two detachments of militia from the county aforesaid, under the command of Lieutenant James Osborne, to repel the attacks of the Indian enemy upon the frontier, and that while employed in the expeditions aforesaid, the said detachments were supplied with necessary rations by the good people of that neighbourhood, and it is just and reasonable to retribute as well those who contributed to the support of the said detachments by the supply of provisions, as those who rendered their personal services therein:

Auditor to issue  
warrants for the  
pay and expenses  
of certain mili-  
tia employed in  
defending the  
frontiers.  
Com. of this act.

SEC II. *BE it enacted by the General Assembly*, That the auditor of public accounts shall, and he is hereby directed and required, on application to him made, to settle and pay the accounts of the expenses incurred in the expeditions aforesaid, according to the directions and provisions of the act, intituled, "*An act to amend and reduce into one act the several acts for regulating and disciplining the militia, and guarding against invasions and insurrections*," passed in the year one thousand seven hundred and eighty-five.

SEC. III. THIS act shall commence and be in force from and after the passing thereof.

#### CHAPTER LXVIII.

*An ACT directing a Duplicate of a Military Certificate to be issued to Moore Bell.*

[Passed the 11th of December, 1794.]

Duplicate of a  
military certifi-  
cate to be issued  
to Moore Bell.  
Proviso.

**B**E it enacted, That the auditor of public accounts shall issue to Moore Bell, a duplicate of a military certificate in the name of Thomas Harris, for thirty-six pounds, dated the tenth day of May, one thousand seven hundred and eighty-three, and numbered four thousand eight hundred and eighty-six, in lieu of the original which the said Moore Bell hath lost. *Provided always, and be it further enacted*, That the said Moore Bell shall previous to the obtaining the said duplicate, enter into bond, with sufficient security to be approved of by the Executive, to indemnify the commonwealth and the United States.

#### CHAPTER LXIX.

*An ACT concerning William Moseley.*

[Passed the 15th of December, 1794.]

A sum of money  
to be paid to him.

SECTION I. **B**E it enacted by the General Assembly, That the auditor of public accounts shall, and he is hereby authorized and directed, on proper application to him made, to issue to William Moseley, a warrant on the treasurer for the sum of eight pounds seventeen shillings and six pence, paid by him to a physician for medicine and attendance on a criminal committed in the course of his said Moseley's sheriffalty, to the jail of the county of Powhatan.

Com. of this act.

SEC. II. THIS act shall commence and be in force from and after the passing thereof.

#### CHAPTER LXX.

*An ACT concerning Ansylum Tupper and John Salmon.*

[Passed the 22d of December, 1794.]

Certain sums of  
money to be paid  
to Ansylum  
Tupper,

SECTION I. **B**E it enacted by the General Assembly, That the auditor of public accounts shall, and he is hereby authorized and required, on application in person or by attorney, to issue to Ansylum Tupper, a warrant on the treasurer for the sum of twelve pounds, to be paid out of the contingent fund, for a horse belonging to the said Tupper, which was impressed to convey a lunatic from the county of Harrison, to the city of Williamsburg, and died in the performance of the journey.

and John Sal-  
mon.

SEC. II. HE shall in like manner issue to John Salmon, a warrant for the sum of six pounds thirteen shillings and nine pence, for services by him rendered as commissioner of the revenue tax in the county of Henry, for the year one thousand seven hundred and eighty-seven.

Com. of this act.

SEC. III. THIS act shall commence in force from the passage thereof.

#### CHAPTER LXXI.

*An ACT for granting a Sum of Money for repairing the Governor's House, and for other Purposes.*

[Passed the 25th of December, 1794.]

Governor's  
houses to be  
repaired, &c.

SECTION I. **B**E it enacted by the General Assembly, That a sum of money not exceeding eight hundred and thirty-three dollars, be granted for the purposes of repairing the house appropriated to the use of the governor, and of erecting a brick building for the use of the governor's servants, and the



Executive shall on the undertaker's completing the said repairs, and the said building or either of them, direct the auditor of public accounts to issue a warrant or warrants in his favour on the treasurer of this commonwealth for the money, which shall appear to be due to him, not exceeding the said sum of eight hundred and thirty-three dollars, which shall be paid out of any money in the treasury, except that belonging to the aggregate fund.

SEC. II. *AND be it further enacted*, That the sum of one thousand dollars be granted for the purpose of paying for the work already contracted for and executed in and about the capitol, and when the balance or balances due for the said work shall be ascertained, the Executive shall direct the auditor to issue a warrant or warrants on the treasurer to the person or persons entitled thereto, for the sum or sums respectively due to him or them, which shall be paid as directed with respect to the money granted for repairing the governor's house.

Money granted for paying for certain work performed in & about the Capitol.

SEC. III. THIS act shall commence in force from the passing thereof.

Comm. of this act.

## CHAPTER LXXII.

*An ACT for paying the Officers of the present General Assembly.*

[Passed the 24th of December, 1794.]

SECTION I. *BE it enacted*, That the allowances to the officers of the General Assembly for their services during the present session, shall be as followeth, that is to say: To the chaplain, twenty dollars per week; to the clerk of the House of Delegates, one hundred and sixteen dollars and sixty-seven cents per week; to the clerk of the Senate, fifty-eight dollars thirty-three cents per week; to the clerk of the several committees of propositions and grievances, and of privileges and elections, thirty-three dollars and thirty-three cents per week; to the clerk of the several committees of religion and claims, thirty-three dollars and thirty-three cents per week; to the clerk of the committee for courts of justice, thirty-three dollars and thirty-three cents per week; to the sergeants at arms to the Senate and House of Delegates, each twenty-eight dollars thirty-three cents per week; to each of the door-keepers of the Senate and House of Delegates, sixteen dollars and sixty-seven cents per week; to Thomas Nicolson, for printing the journals of the Senate, one hundred dollars; and to the person who cleans the Capitol, the sum of thirty-three dollars and thirty-three cents.

Allowances to the officers of the General Assembly.

SEC. II. THIS act shall commence and be in force from the passing thereof.

Comm. of this act.

## CHAPTER LXXIII.

*An ACT concerning John Clarke and others.*

[Passed the 22d of December, 1794.]

SECTION I. *BE it enacted by the General Assembly*, That the Auditor of public accounts on application to him made either in person or by attorney, shall and he is hereby authorized and required to issue to John Clarke, a certificate for the military services of his deceased son, Benajah Clarke, who enlisted as a soldier in the regiment stationed at the barracks of Albemarle, and served therein from the month of February, 1779, until the month of September following.

Certificates to be issued to John Clarke.

SEC. II. HE shall in like manner issue a certificate to Thomas Chandler, senior, the father of Thomas Chandler, junior, deceased, for services rendered by the decedent on board the brig Musquito (belonging to this state) as a marine or seaman during the late war.

Thomas Chandler.

SEC. III. HE shall in like manner issue to Thomas Brooke, a certificate for the services of Reuben Brooke, deceased, rendered by the decedent on board of the said brig at the same period.

Thomas Brooke.

SEC. IV. HE shall in like manner issue to William Coleman, a certificate for for his services, as a soldier in the state line during the late war, and also for his services as a marine on board of the said Musquito brig.

and William Coleman.

SEC. V. THIS act shall commence and be in force from and after the passage thereof.

## IN THE HOUSE OF DELEGATES,

TUESDAY, the 23d December, 1794.

**R**ESOLVED, That the Executive be requested, to have as many copies as they may think necessary, of the revenue law, the execution law, the law for regulating the fees of clerks, sheriffs and other officers, the law of descents, the law concerning wills and the distribution of intestates estates, and the law for regulating conveyances, translated into and printed in the German language, and distributed as they may think proper.

December the 23d, 1794—Agreed to by the Senate.

DECEMBER the 9th, 1794.

**R**ESOLVED, That the Executive be authorized to direct such temporary defensive operations for the protection of the frontiers, as will secure the citizens thereof from the hostile invasions of the Indian enemy, and that the Governor be requested to communicate with the President of the United States, for the purpose of establishing adequate and permanent arrangements for the security and defence of the same.

December 23, 1794—Agreed to by the Senate.



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